



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 18. } SIMLA, SATURDAY, MAY 1, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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*Nothing for publication.*

SUPPLEMENT No. 18.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 30th April, 1886.*

No. 8.—In exercise of the power conferred by the Statute 24 & 25 Vic., Cap. 67, Section 17, the Governor-General in Council has been pleased to appoint Thursday, the 6th May, 1886, at 11 A.M., as the time, and the Council Chamber in the Viceregal Lodge, Simla, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS.—PUBLIC.

*Simla, the 29th April, 1886.*

No. 591.—Under Section 27 of the Indian Arms Act, 1878, the Governor-General in Council is pleased to exclude gun-wads, wire cartridges, and bullets from the operation of Section 6 of that Act. Bullets, however, will be

subject to the restrictions placed on lead by paragraph IV (b) of Home Department Notification No. 518, dated the 6th March, 1879.

#### ESTABLISHMENTS.

*The 30th April, 1886.*

No. 133.—Mr. G. D. Burgess, C.S., Secretary to the Chief Commissioner of British Burma and officiating Commissioner of the Arakan Division, is confirmed in the appointment of Commissioner of a division, with effect from the 1st April, 1886, the date on which the services of Colonel E. B. Sladen were replaced at the disposal of the Military Department of the Madras Government.

Mr. E. S. Symes, C.S., Junior Secretary and officiating Secretary to the Chief Commissioner of British Burma, is confirmed in the latter appointment, with effect from the above date.

#### MUNICIPALITIES.

*The 30th April, 1886.*

No. 47.—For the second proviso in the Notification of the Government of India, Home Department, No. 52, dated the 10th April, 1884 (Municipalities), relating to the levy of the Town

Fund assessment in the Hyderabad Assigned Districts in places where Municipalities have not been regularly constituted under Act IV of 1873, the Governor-General in Council is pleased to direct that the following shall be substituted, namely:—

“Provided also that, in the computation of the income to be assessed, there shall be deducted from the full annual income of the assessee (a) the sum of two hundred rupees, being the minimum assessable income under these rules; and (b) subject to any conditions and restrictions which the Resident may prescribe in this behalf, such portion, if any, not exceeding one-sixth of the full annual income as is paid by the assessee in respect of life-insurance, pension, or provident funds.”

#### EDUCATION.

*The 30th April, 1886.*

No. 135.—Under Section 12 of Act II of 1857, the Governor-General in Council is pleased to authorise the affiliation of the Morris College, Nagpur, to the Calcutta University in Law, with effect from the 29th January, 1886.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 27th April, 1886.*

No. 877 G.—Mr. A. Wingate, C.I.E., C.S., Settlement Officer in Meywar, is appointed to officiate temporarily as a Resident of the 2nd Class, and as Resident in Meywar, with effect from the date of assuming charge.

*The 29th April, 1886.*

No. 900 G.—The following Regulations which have been recently revised by command of Her Majesty the Queen-Empress of India are published for general information:—

##### REGULATIONS RESPECTING FOREIGN ORDERS.

1. No subject of Her Majesty shall accept a Foreign Order from the Sovereign of any foreign country, or wear the Insignia thereof, without having previously obtained Her Majesty's permission to that effect, signified by a Warrant under Her Royal Sign-Manual.

2. Excepting in the case of Special complimentary Missions to Foreign Sovereigns, such permission shall not be granted to any Subject of Her Majesty unless the Foreign Order shall have been conferred in consequence of active and distinguished Service before the Enemy, either at Sea or in the Field; or unless he shall have been actually and entirely employed, beyond Her Majesty's dominions, in the service of the Foreign Sovereign by whom the Order is conferred.

3. The intention of a Foreign Sovereign to confer upon a British Subject the Insignia of an

Order must be notified to Her Majesty's Principal Secretary of State for Foreign Affairs, either through the British Minister accredited to the Court of such Foreign Sovereign, or through His Minister accredited at the Court of Her Majesty.

4. If the service for which it is proposed to confer the Order has been performed during War, the Notification required by the preceding clause must be made not later than two years after the exchange of the ratifications of a Treaty of Peace.

If the service has been performed in time of Peace, the Notification must be made within two years after the date of such service.

5. After such Notification shall have been received, Her Majesty's Principal Secretary of State for Foreign Affairs shall, if the case comes within the conditions prescribed by the present Regulations, and arises from Naval or Military Services before the Enemy, refer it to Her Majesty's Principal Secretary of State for the War Department, previously to taking Her Majesty's pleasure thereupon, in order to ascertain whether there be any objection to Her Majesty's permission being granted.

A similar reference shall also be made to the Commander-in-Chief if the application relates to an Officer in the Army, or to the Lords of the Admiralty if it relates to an Officer in the Navy.

6. When Her Majesty's Principal Secretary of State for Foreign Affairs shall have taken the Queen's pleasure on any such application, and shall have obtained Her Majesty's permission for the person in whose favor it has been made to accept the Foreign Order, and wear the Insignia thereof, he shall signify the same to Her Majesty's Principal Secretary of State for the Home Department, in order that he may cause the Warrant required by Clause 1 to be prepared for the Royal Sign-Manual.

When such Warrant shall have been signed by the Queen, a Notification thereof shall be inserted in the "Gazette," stating the service for which the Foreign Order has been conferred.

7. The Warrant signifying Her Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms.

8. Every such Warrant as aforesaid shall contain a Clause providing that Her Majesty's license and permission does not authorise the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of Her Majesty's Realm.

9. When a British subject has received the Royal permission to accept a Foreign Order, he will at any future time be allowed to accept the Decoration of a Higher Class of the same Order, to which he may have become eligible by increase of rank in the Foreign Service, or in the Service of his own country; or any other distinctive mark of honor strictly consequent upon the acceptance of the original Order, and common to every person upon whom such Order is conferred.

10. The preceding Clause shall not be taken to apply to Decorations of the Guelphic Order, which were bestowed on British subjects by Her Majesty's predecessors, King George IV. and

King William IV., on whose heads the Crowns of Great Britain and of Hanover were united.

Decorations so bestowed cannot properly be considered as rewards granted by a Foreign Sovereign for services rendered according to the purport of Clause 2 of these Regulations. They must be rather considered as personal favors bestowed on British Subjects by British Sovereigns, and as having no reference to services rendered to the Foreign Crown of Hanover.

*Foreign Office, February 3rd, 1886.*

### REGULATIONS RESPECTING FOREIGN MEDALS.

1. Applications for permission to accept and wear Medals which, not being the decoration of any Foreign Order, are conferred by a Foreign Sovereign on British Subjects in the Army or Navy, should be addressed to the Commander-in-Chief or the Lords of the Admiralty, as the case may be, who, if they see fit, may submit the same for Her Majesty's sanction, upon obtaining which they may grant such permission without other formality.

2. Any other British subject, having obtained Her Majesty's permission, is at liberty to accept and wear a Foreign Medal, not being the Decoration of a Foreign Order.

3. No permission is necessary for accepting a Foreign Medal, if such medal is not to be worn.

*Foreign Office, August, 1885.*

**No. 901 G.**—Captain G. E. Money, officiating 2nd Squadron Commander, 1st Regiment, Central India Horse, is appointed to officiate as Political Assistant at Coona, in addition to his other duties, with effect from the 8th April, 1886, during the absence on privilege leave of Colonel M. G. Gerard, C.B., or until further orders.

**No. 908 G.**—Major F. H. Jackson, Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mahals, and Superintendent of His Highness the Gaekwar's Contingent in Kathiawar, was a Resident of the 2nd Class, and Governor-General's Agent at Baroda, sub. *pro tem.*, from the 4th March to the 11th April, 1886, inclusive;

Lieutenant-Colonel W. Scott, Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Wagheer Corps, was sub. *pro tem.* Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mahals and Superintendent of His Highness the Gaekwar's Contingent in Kathiawar, *vice* Major Jackson, and

Mr. W. Barr, Adjutant of the Okhamandal Battalion, was sub. *pro tem.* Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Wagheer Corps, *vice* Lieutenant-Colonel Scott, during the same period.

**No. 911 G.**—Mr. J. R. FitzGerald, C.S., First Assistant to the Resident at Hyderabad, officiated as Resident of the 1st Class, and as Resident at Hyderabad, in addition to his own duties, from the 7th to the 11th April, 1886, inclusive.

**No. 913 G.**—Surgeon A. Adams, M.D., Agency Surgeon, Western Rajputana States Residency, is granted privilege leave for ninety days, with effect from the 13th May, 1886, or date of departure.

### INTERNAL.

*The 28th April, 1886.*

**No. 1367 I.**—The Governor-General in Council has received with much satisfaction the intelligence that Her Highness the Begam of Bhopal has abolished all transit duties hitherto levied on that portion of the Bhopal-Ashita-Indore road, which runs through Her Highness's territories.

**No. 1374 I.**—Under the provisions of Clause I, Section 94 of Acts 44 and 45 Victoria, Chapter 58 (The Army Act, 1881), the Governor-General in Council is pleased to appoint the Revd. F. E. Cameron, Chaplain of All Saints Church at Trimulgherry, to be a Justice of the Peace for the purpose of attesting soldiers in the Cantonment of Secunderabad.

*The 30th April, 1886.*

**No. 1398 I.**—Notifications by the Government of the Punjab, dated the 7th April, 1886 :—

*"Home Department. Judicial.*

*The 7th April, 1886.*

**No. 396.**—With the sanction of the Governor-General in Council, the following Acts are declared, under the provisions of Section 3 of Act XIV of 1874, to be in force in the Scheduled District of Lahul in the Punjab :—

1836:	XXVI.—Governor-General's Camp Police.
1837:	IV.—Powers to acquire land.
1838:	XXV.—Wills executed before 1st January, 1800.
1839:	XXXII.—Interest.
1841:	XIX.—Curator in cases of succession.
1843:	V.—Slavery.
1847:	XX.—Copyright.
1850:	XVIII.—Protection of Judicial Officers.
1850:	XXI.—Non-forcible of rights by loss of caste.
1850:	XXXIV.—Custody of State prisoners.
1850:	XXXVII.—Enquiries into behaviour of public servants.
1851:	VIII.—Tolls on public roads and bridges.
1852:	XXX.—Naturalization of aliens.
1852:	XXXIII.—Enforcement of judgments beyond jurisdiction, &c.
1853:	II.—Burial on land.
1854:	XXVI.—Education of male minors, &c.
1855:	XII.—Executors and Administrators.
1855:	XXVIII.—Interest.
1850:	XV.—Marriage of Hindu widows.
1857:	XI.—Offences against the State.
1858:	XXXV.—Care of the estates of lunatics.
1858:	XXXVI.—Lunatic Asylums.
1858:	XL.—Care of person and property of minor.
1858:	III.—Arrest and detention of prisoners.
1860:	XXVII.—Collections of debts on succession.
1861:	IX.—Minors.
1863:	XXIII.—Claim to waste lands.
1863:	XXXI.—Gazette of India.
1864:	III.—Foreigners.
1864:	VI.—Whipping.
1864:	XV.—Tolls on public roads and bridges.
1866:	XXI.—Disposal of marriage of converts.
1869:	XV.—Prisoners Testimony Act.

**No. 397.**—With the sanction of the Governor-General in Council, the following Acts are declared, under the provisions of Section 3 of

Act XIV of 1874, not to be in force in the Scheduled District of Láhul in the Punjab:—

- 1839: XXX.—Inheritance when descent took place before 1st January, 1866.  
 1839: XXIX.—Dowers when the marriage was contracted before 1st January, 1866.  
 1841: XI.—Military Courts of Request.  
 1842: IX.—Lease and re-lease.  
 1842: XII.—Military Bazzars.  
 1850: XIX.—Binding of apprentices.  
 1853: XIX.—Recruiting witnesses.  
 1854: XXXI.—Barrag onah, &c.  
 1855: XI.—Meane profits and improvements.  
 1855: XXIII.—Administration of mortgaged estates, &c.  
 1855: XXIV.—Penal servitude.  
 1856: XI.—Desertion by European Soldiers.  
 1857: XXV.—Forfeiture by Mutineers.  
 1859: XV.—Patents.

- 1859: III.—Cantonment Joint Magistrates.  
 1859: IX.—Claims to forfeited property.  
 1860: XXI.—Registration of Societies.  
 1862: III.—Government Seal.  
 1863: XVI.—Excise duty on spirits used in arts.  
 1865: XI.—Small Cause Court.  
 1865: XXI.—Intestate succession among Parsis.  
 1865: XV.—Parsis' Marriage and Divorce.  
 1865: III.—Common carriers.  
 1866: V.—Bills of Exchange.  
 1866: XXVIII.—Trustees and Mortgagees' powers.  
 1867: XXV.—Printing Presses, &c.  
 1870: I.—Quarantine.

W. M. YOUNG,  
 Secretary to Government, Punjab."

H. M. DURAND,  
 Secretary to the Government of India.

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

Simla, the 27th April, 1886.

No. 148.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*  
March 1886. (Lakhs of Rupees.)

	IN MARCH.		TO END OF MARCH.		WHOLE YEAR.	
	1885-86.	1884-85.	1885-86.	1884-85.	Revised, 1885-86.	Actuals, 1884-85.
[For the explanation of these heads, see <i>Gazette of India</i> , dated 22nd December, 1883, Part I, page 497.]						
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation).	4.73	4.36	23.15	22.24	22.03	22.30
Opium	84	70	8.05	8.82	8.91	8.82
Salt	05	08	0.34	0.51	0.31	0.51
Stamps	34	34	3.00	3.01	3.05	3.01
Excise	44	41	4.15	4.01	4.12	4.01
Provincial Rates	40	36	2.98	2.70	2.88	2.70
Customs	21	18	1.20	1.03	1.15	1.03
Assessed Taxes	1	2	50	51	51	51
Forest (Madras and Bombay only)	12	2	44	30	42	39
Registration	3	3	31	29	30	29
Tribute from Native States	10	16	71	70	60	70
Other Civil Revenue	32	30	3.40	2.92	3.28	3.15
<b>TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>8.28</b>	<b>7.62</b>	<b>55.79</b>	<b>53.73</b>	<b>55.15</b>	<b>54.11</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Productive Public Works	— 25	— 24	— 3.81	— 3.78	— 3.80	— 3.78
Opium	— 6	— 9	— 3.05	— 2.07	— 3.10	— 2.06
Exchange on transactions with London	— 50	— 52	— 2.36	— 3.37	— 3.48	— 3.44
Other Civil Expenditure	— 2.89	— 2.62	— 22.25	— 20.28	— 22.15	— 21.20
<b>TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>— 3.70</b>	<b>— 3.47</b>	<b>— 31.47</b>	<b>— 30.40</b>	<b>— 32.53</b>	<b>— 31.38</b>
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 31	+ 1	+ 80	+ 57	+ 58	+ 62
Forest, Telegraph, Marine (Net as above)	+ 2	— 9	— 3.3	— 25	— 26	— 21
Guaranteed and Subsidized Railways (Net as above)	+ 40	+ 57	+ 4.05	+ 4.70	+ 4.91	+ 4.83
Do. Repayment of surplus profits, &c.	—	— 2	— 45	— 40	— 41	— 46
Military Receipts	+ 15	+ 15	+ 1.00	+ 81	+ 1.05	+ 90
Military issues	— 1.23	— 1.40	— 14.72	— 12.31	— 14.33	— 12.30
Public Works Department:						
State Railways Receipts	+ 53	+ 30	+ 4.18	+ 3.42	— 3.59	+ 3.20
State Railways Issues	— 68	— 77	— 5.88	— 5.84	—	— 5.73
East Indian Railway Receipts	+ 40	+ 40	+ 4.18	+ 3.02	+ 2.91	+ 4.31
East Indian Railway Issues	— 13	— 12	— 1.35	— 1.43	—	— 1.83
Ordinary Branches Receipts	+ 19	+ 20	+ 1.00	+ 1.83	— 4.08	+ 1.87
Ordinary Branches Issues	— 1.02	— 1.06	— 7.53	— 7.17	—	— 7.23
<b>TOTAL NON-CIVIL DEPARTMENTS</b>	<b>— 1.00</b>	<b>— 1.77</b>	<b>— 13.31</b>	<b>— 12.12</b>	<b>— 13.22</b>	<b>— 11.04</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments)	—	+ 1	— 6	— 1	— 6	— 1
Mint Certificates and Bullion Advances (Net as above)	— 1	—	+ 17	+ 18	+ 13	+ 11
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 2.48	— 2.01	— 11.17	— 12.68	— 10.87	— 12.09
Other Debt heads (Net as above)	— 9	+ 5	+ 25	+ 64	+ 1.26	+ 1.14
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b>	<b>— 2.58</b>	<b>— 1.95</b>	<b>— 10.81</b>	<b>— 11.87</b>	<b>— 9.54</b>	<b>— 11.45</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b>	<b>+ 94</b>	<b>+ 43</b>	<b>+ 20</b>	<b>— 66</b>	<b>— 14</b>	<b>— 66</b>
Opening Cash Balance in Treasuries and Presidency Banks	11.80	12.11	12.54	13.20	12.54	13.20
Closing Cash Balance in Treasuries and Presidency Banks	12.74	12.54	12.74	12.54	12.40	12.54

## LEAVE AND APPOINTMENTS.

*The 28th April, 1886.*

**No. 470.**—Mr. E. S. Byrne, Deputy Auditor General, having been granted privilege leave for three months, made over charge of his duties after noon on the 17th April, 1886.

*The 30th April, 1886.*

**No. 486.**—The gentlemen nominated to be members of the Finance Committee assumed charge of their duties on the dates stated below:—

*President:*

Mr. C. A. Elliott,—March 2nd, before noon.

*Members:*

The Hon'ble Mr. Justice Cunningham,—March 16th, before noon.

Lieutenant-Colonel A. J. Filgate, R.E.,—April 1st, before noon.

The Hon'ble Mr. W. W. Hunter, April 12th, before noon.

Mr. R. Hardie,—April 3rd, before noon.

Mr. J. Westland,—March 27th, before noon.

Hon'ble Rao Bahadur Mahadeo Govind Ranade,—April 21st, before noon.

Mr. H. W. Bliss,—April 19th, after noon.

Mr. S. Jacob assumed charge of the duties of Secretary to the Committee before noon on the 15th March, 1886.

**No. 488.**—Mr. E. Gay, officiating Comptroller and Auditor General and Head Commissioner of Paper Currency, having been granted privilege leave for three months, and the following appointments having been made during his absence,—

Mr. E. F. T. Atkinson to officiate as Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. E. W. Kellner to officiate as Accountant General, Bengal;

Mr. C. R. C. Kiernander to officiate as Deputy Comptroller General; and

Mr. J. E. Cooke to officiate as Comptroller of India Treasuries,—

Mr. Gay made over charge of the duties of Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. Atkinson made over charge of the duties of Accountant General, Bengal, and assumed charge of those of Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. Kellner made over charge of the duties of Deputy Comptroller General, and assumed charge of those of Accountant General, Bengal;

Mr. Kiernander made over charge of the duties of Comptroller of India Treasuries, and assumed charge of those of Deputy Comptroller General; and

Mr. Cooke made over charge of the duties of Deputy Auditor General, and assumed charge of those of Comptroller of India Treasuries,

on the afternoon of the 20th April, 1886.

## CODES.

*The 30th April, 1886.***No. 532.**

CIVIL PENSION CODE.

PAGE 77.

*Section 140.*

*Insert the following as Rule 3 under this Section:—*

"3. Members of the Police Force serving in the Beluchistan Agency, although the Force is not constituted under any Act of Legislature, are entitled to receive pensions and gratuities under the Rules contained in this Chapter."

## ASSESSED TAXES.

INCOME TAX.

*The 27th April, 1886.*

**No. 434.**—In exercise of the powers conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under the said Act the income of Universities or other Associations or bodies existing solely for educational purposes and of Local Authorities, as defined in Section 3, Clause (1); of the Act.

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 30th April 1886.*

## APPOINTMENTS.

**No. 268.**—COMMISSARIAT DEPARTMENT—

Captain A. D. Enriquez, Bengal S. C., Wing Officer, 16th Bengal Infantry, to officiate as Sub-Assistant Commissary-General for Transport, 2nd class, *vice* Lieutenant W. E. Hill, Bengal S. C., who has rejoined the 18th Bengal Infantry. Dated 21st January, 1886.

**No. 269.**—MEDICAL DEPARTMENT—

Brigade-Surgeon T. N. Hoysted, Medical Staff, to officiate on the Administrative Medical Staff of the Army, with the temporary rank of Deputy Surgeon-General, *vice* Deputy Surgeon-General R. Webb, on leave. Dated 13th April, 1886.

**No. 270.**—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Harry Francis Holland, Dorsetshire Regiment, Wing Officer, 24th Bengal Infantry,—27th December, 1884.

Lieutenant Herbert Lionel Showers, Norfolk Regiment, officiating Wing Officer, 17th Bengal Infantry. Dated 12th February, 1885.

## VOLUNTEER CORPS.

*1st Punjab Volunteer Rifle Corps.*

No. 271.—Mr. F. J. Raynor to be Lieutenant, to complete the establishment.

Surgeon F. F. Perry to be Honorary-Surgeon, *vice* Surgeon-Major Lawrie, who vacates the appointment on transfer.

The Reverend F. J. Montgomery to be Honorary-Chaplain, to complete the establishment.

*3rd, or Sind, Punjab and Indus Valley Railway Volunteer Rifle Corps.*

No. 272.—Mr. C. F. White to be Lieutenant, to complete the establishment.

## FURLOUGH AND LEAVE.

No. 273.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant H. Mansfield, Bengal S. C., Assistant Commissary-General, 4th class, (m. c.) for one year, under rule I of the regulations of 1875.

Surgeon-Major H. K. McKay, (u. p. a.) for ninety-one days, under rule XI of the regulations of 1868.

No. 274.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Surgeon-Major P. Cullen, M.D., (m. c.) for six months.

Sub-Conductor J. Owens, Public Works Department, (m. c.) for six months.

No. 275.—In G. G. O. No. 245 of 1886, *after* "Conductor O. Maguire, Ordnance Department," read "(m. c.) for six months."

## PROMOTIONS.

## No. 276.—ORDNANCE DEPARTMENT—

Sub-Conductor Michael Donaghue, on probation, is confirmed in his present grade, with effect from the 16th September, 1885.

## RETIREMENTS.

No. 277.—Captain Alexander James Corse-Scott, Bengal S. C., half pay list, has been permitted to retire from the service, with effect from the 4th March, 1886, subject to Her Majesty's approval.

## REWARDS.

## No. 278.—ORDER OF MERIT—

The Governor-General in Council is pleased to admit No. 3173, Sepoy Ramparshad Doobay, 11th Bengal Infantry, to the 3rd

Class of the Order of Merit, for conspicuous gallantry, in the attack on the stockade at Minbla, Upper Burma, on the 17th November, 1885.

## VOLUNTEER CORPS.

No. 279.—His Excellency the Governor-General in Council has approved of the "Sibsagar Mounted Rifles" being in future designated the "Sibsagar Mounted Infantry."

## MARINE DEPARTMENT.

## FURLOUGH AND LEAVE.

No. 21.—The undermentioned officers of H. M.'s Indian Marine have been granted extension of furlough (m. c.) for six months by the Secretary of State for India:—

Captain W. C. Hotham.

Mr. J. Balbi, Engineer.

Mr. B. Ashburner, 3rd grade officer.

O. R. NEWMARCH, Colonel,  
*Offg. Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 27th April, 1886.*

No. 113.—Mr. M. H. Maw, Assistant Engineer, 2nd grade, State Railways, is permitted to retire from the service under Sections 100 and 113 (a) of the Civil Pension Code.

*The 28th April, 1886.*

No. 114.—Mr. A. Sprenger, Executive Engineer, 1st grade, Assam, temporarily employed on State Railways, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma.

No. 115.—Mr. E. H. Clementson, Assistant Engineer, 1st grade, State Railways, is transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of British Burma.

W. S. TREVOR, Colonel,  
*Secretary to the Government of India*



**GOVERNMENT OF INDIA.**  
**REVENUE AND AGRICULTURAL DEPARTMENT.**

**REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 28th APRIL, 1886.**

**GENERAL REMARKS.**—More rain has been reported from Assam, and there have also been showers in places in the south of the peninsula. With the exception of the Rawalpindi and Peshawar districts of the Punjab, no rain has fallen in Upper and Central India.

In Madras and, except in the Kolar district, in Mysore the standing crops are generally in good condition, and the harvest in progress promises a fair outturn. In Coorg prospects are good.

The *rabi* harvest and the picking of cotton have been nearly completed in Bombay, and preparations for the *kharif* have commenced in that Presidency and in Berar. In Hyderabad, Central India, and Rajputana prospects are generally favourable, though water is scarce in places.

In the Central Provinces the *rabi* is being threshed and winnowed, and ploughing for the *kharif* has begun in places. The *rabi* harvest is in progress in the Punjab, and has been nearly completed in the North-Western Provinces and Oudh. Prospects are good in both Provinces.

In Bengal generally rain is much wanted for crops on the ground and for *aus* cultivation. The *boro* rice is being harvested, with a good outturn. In Assam ploughing and sowing are in progress, and prospects are generally favourable.

The public health is generally fair, though small-pox and cholera are reported from most Provinces.

Prices are rising in the Umballa, Ferozepore, and Lahore districts of the Punjab and in Coorg, and are falling in Peshawar. Elsewhere they are generally steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(April 28th)</b>		
Bellary . . . .	Nil	Standing dry crops generally good, and wet crops in parts of two taluks generally good, but water inefficient to support them; harvest cotton, <i>cholum</i> and sugarcane, outturn cotton average, rest about average. Cattle-disease in four taluks.
Kurnool . . . .	105	Standing second crops paddy good; harvest paddy and cotton, yield paddy average, cotton below average. Small-pox in three and cattle-disease in four taluks.
Ganjam . . . .	Nil	Slight small-pox in five, fever in three, and cattle-disease in six taluks; cholera prevailing. Average number employed on Chalka canal 364; desertion of coolies due to cholera.
Kistna . . . .	Nil	Slight fever and small-pox; cholera in five taluks and two divisions.
Chingleput (Madras) . . . .	Nil	Standing crops generally fair, except in parts of one taluk, where they are withering. Harvest paddy and <i>ragi</i> , yield below average. Cattle-disease in one taluk.
Coimbatore . . . .	Average 18	Standing crops good; harvest paddy and <i>cholum</i> , outturn paddy generally above average, <i>cholum</i> average. Fever in one and slight small-pox in parts of four taluks.
Tanjore . . . .	Nil	Standing crops generally good, except in one taluk, where rain is wanted. Harvest wet and dry crops, outturn below average.
Madura . . . .	Average 12	Harvest paddy, yield about average. Slight small-pox in one and fever in two taluks.
Malabar . . . .	Average 48	More rain wanted for third crop cultivation. Fever in one, slight small-pox in nine, and cholera in three taluks.
Travancore . . . .	130	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(April 28th)</b>		
Kurrachee . . . .	Nil	River at Kotri on 25th, 8 feet 1 inch against 12 feet 2 inches on same date last year. Fever in six and cattle-disease in three talukas; one remaining case of small-pox recovered. Prices—wheat, red rice, and <i>bajri</i> in Kurrachee, 20, 30 and 34, in Sakro 27, 38 and 48, in Jui 21, 40 and 42, and in Manjhand 22, 36 and 38 pounds per rupee, respectively.
Hyderabad . . . .	Nil	Harvesting is still going on in some talukas; corn is being removed from fields. River at Kotri on 26th, 7 feet 10 inches against 11 feet 8 inches on same date last year. Fever in three, cattle-disease in one, and small-pox in two talukas. Wheat 25, <i>juari</i> 40, <i>bajri</i> 37½, white rice 19, and red rice 30 pounds per rupee. Days and nights very warm.
Ahmedabad . . . .	Nil	Reaping of <i>rabi</i> crops completed. Public health good. Wheat 35 and <i>bajri</i> 33 pounds per rupee.
Baroda . . . .	Nil	Public health good. Standing crops in good condition. Prices— <i>bajri</i> 28, wheat 23, and rice 18 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat . . . .	<i>Nil</i>	Cotton-picking almost completed. Slight fever and cough in Bardoli taluka. <i>Juari</i> 38½ and <i>nagli</i> 40 pounds per rupee.
Nasik . . . .	<i>Nil</i>	<i>Rabi</i> threshing nearly completed. Public health generally good. Wheat 31, <i>bajri</i> 38, and rice 20 pounds per rupee.
Colaba (Bombay) . . . .	0·01 on 23rd	Average abnormal temperature <i>nil</i> ; vapour in air excessive; abnormal wind southerly from 23rd to 25th and on 27th, wind normal on all other days; distant lightning on 22nd and 23rd.
Poona . . . .	<i>Nil</i>	Harvesting of <i>rabi</i> almost completed. Small-pox in Sirur and Purandhar talukas. <i>Bajri</i> 35 and <i>juari</i> 45, in Poona <i>bajri</i> 34 and <i>juari</i> 37 pounds per rupee.
Ahmednagar . . . .	<i>Nil</i>	Reaping almost completed. Public health good. <i>Bajri</i> average 46 and <i>juari</i> 61 pounds per rupee.
Sholapur . . . .	<i>Nil</i>	Land being prepared for <i>khurif</i> sowing. Sky clouded and weather very sultry. <i>Juari</i> 55 pounds 32 tolas and <i>bajri</i> 44 pounds 32 tolas per rupee.
Dharwar . . . .	Navalgund, 50; Hangal, 30; Karajgi, 05.	Ground being prepared for early crops; harvesting of late <i>juari</i> and cotton-picking nearly completed. Scarcity of drinking-water in Navalgund, Gadag, Karajgi, and Kod. Cattle-disease in Bankapur; public health good. Rice 22 to 32 and <i>juari</i> 45 to 60 pounds per rupee.
Kanara . . . .	Haliyal, 48	Sugarcane planting in progress; preparing ground for monsoon crop. Fever, cattle-disease, and small-pox prevalent in five talukas. Weather hot and cloudy. Common rice at Karwar 14, in district average 13½ seers per rupee.
Rajkot . . . .	<i>Nil</i>	Weather hot. Health generally good. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 45 pounds per rupee.
<i>General Remarks.</i> Slight rain in parts of Dharwar, Belgaum, and Kanara. Small-pox and cattle-disease in parts of 9 and fever in parts of 8 districts. Other conditions unchanged.		
<b>Bengal—(April 27th)</b>		
Chittagong . . . .	0·18	Weather cloudy, with foggy mornings. Winter crops harvested, outturn fair. Prices stationary. Small-pox continues; fever reported from Cox's Bazar. Public health generally good.
Dacca . . . .	<i>Nil</i>	Prospects of crops favourable; paddy and jute being sown; harvesting of <i>boro</i> paddy commenced. Sporadic cases of cholera reported.
24-Pergunnahs (Calcutta). . . .	<i>Nil</i>	No crops on ground, except sugarcane, which is doing well. Lands being prepared for paddy. Public health generally good.
Moorshedabad . . . .	<i>Nil</i>	Weather hot and seasonable. Ploughing for <i>aus</i> crop suspended. Rain wanted. Sporadic cases of cholera reported. Public health good.
Rungpore . . . .	<i>Nil</i>	Prospect of <i>aus</i> and jute good, but rain wanted. Sporadic cases of cholera reported from the interior. Bowel complaints increasing.
Burdwan . . . .	<i>Nil</i>	Rain much wanted for <i>aus</i> rice cultivation. Public health fair.
Bhagalpur . . . .	<i>Nil</i>	Rain wanted. Sugarcane only on ground. <i>Mohua</i> crops shorter than expected.
Purneah . . . .	<i>Nil</i>	<i>Rabi</i> outturn very good. Cultivation of jute and <i>bhadai</i> rice delayed for want of rain. Public health good, except in Awarah where cholera prevails.
Patna . . . .	<i>Nil</i>	Reaping of <i>rahur</i> still continues; gathering of castor going on; sowing of <i>eleuth</i> progressing. Public health good.
Dhurbhunga . . . .	<i>Nil</i>	Threshing of <i>rabi</i> continues; <i>rahur</i> gathering, with fairly good outturn. Rain urgently wanted for early paddy and <i>moong</i> . Prices rising. Public health good.
Hazaribagh . . . .	<i>Nil</i>	Weather hot and oppressive. <i>Mohua</i> yielding well; no other crops to report about. General health good.
Cuttack . . . .	<i>Nil</i>	Weather hot. Reaping of <i>dahua</i> rice continues; ploughing in progress. Price of rice unchanged. Public health generally good.
Midnapore . . . .	<i>Nil</i>	<i>Boro</i> harvest nearly completed, outturn generally good. Rain wanted. Public health fair.
Khoolna . . . .	<i>Nil</i>	Weather hot. <i>Boro</i> rice harvest continues, ploughing for <i>aus</i> and <i>amun</i> rice going on. A little cholera in Bagirhat; public health fair.
Dinagepore . . . .	<i>Nil</i>	Weather hot. Rain wanted for ploughing. Cholera in several thanas.
Pubna (Serajganj) . . . .	0·27	Crops good. Cholera prevalent at head-quarters.
Gya . . . .	<i>Nil</i>	Sugarcane and <i>chrena</i> in good condition. Prices moderate. Public health good.
Chumparun . . . .	<i>Nil</i>	<i>Rabi</i> harvest nearly completed. Weighment of opium progressing. Prices stationary. Public health good.
<i>General Remarks.</i> Slight rain in Darca, Pubna, Darjeeling, and parts of Jalpaigori, but none in other districts; rain generally much wanted for crops on ground and for cultivation of <i>aus</i> rice and jute. <i>Boro</i> rice being harvested, with generally a good outturn; <i>mohua</i> harvest in Bhagulpore and Chota Nagpur divisions fair. General health good, though cholera prevalent in some places. Price of rice generally almost stationary.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>W. Provinces and Oudh—(April 29th)</b>		
Gorakhpur (April 26th)	<i>Nil</i>	Threshing progressing, outturn good. Opium weighment in progress. Weather hot. Health fair; some small-pox. I stationary.
Fyzabad ( „ 27th)	.....	Weather hot, with westerly wind. Sowing of <i>sawan</i> , <i>ch</i> indigo, and sugarcane commenced. Health of men and i fair.
Allahabad ( „ „ )	<i>Nil</i>	Wind westerly; heat increasing. <i>Rabi</i> crops being stored and sugarcane irrigated; supplies ample. Prices falling slightly. Occasional cases of fever and small-pox, otherwise health good.
Farakhabad ( „ „ )	<i>Nil</i>	Opium weighments commenced, estimated yield 20 per cent. below last year's; grain being threshed out; indigo and cane being irrigated. Health of people fair.
Bareilly ( „ „ )	<i>Nil</i>	Harvest cut; sugarcane sowings going on. Prices steady. Public health normal. Weather clear and hot.
Banda ( „ „ )	<i>Nil</i>	<i>Rabi</i> harvest almost completed; prospects fair. Public health good; cattle-disease in four villages. Prices stationary.
Kumaon * ( „ 28th)	<i>Nil</i>	Weather fine. <i>Rabi</i> crops nearly ripe; rice sowing commenced. <i>Mahamari</i> and measles in some villages; cattle-disease on the decrease. Prices falling.
Meerut ( „ 27th)	<i>Nil</i>	Hot westerly wind. <i>Rabi</i> harvest approaching completion; last week's estimate of wheat crop confirmed; it will not be over twelve annas if as much crops on dry land give better returns; indigo and cane sowings in progress, and crops germinating well. Some fever about, otherwise health good. New grain coming into market, but prices unaltered yet.
		<i>General Remarks.</i> —Weather seasonable. Harvesting nearly completed; supplies ample. Prices generally steady. Health of people and condition of cattle generally good.
<b>Punjab—(April 28th)</b>		
Delhi (April 27th)	<i>Nil</i>	Health good. Prices fluctuating.
Hissar . . .	<i>Nil</i>	Health good. Prices slightly falling.
Unbhatta . . .	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest good.
Jullundur . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of the current harvest good.
Amritsar . . .	<i>Nil</i>	Health good. Price stationary. Prospects of current harvest good.
Sialkot . . .	<i>Nil</i>	Health good. Prices stationary.
Ferozepore . . .	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest average.
Lahore . . .	<i>Nil</i>	Health good. Prices slightly rising.
Rawalpindi . . .	30	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . .	<i>Nil</i>	Health good. Prices almost stationary. Prospects of current harvest good.
Mooltan . . .	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan . . .	<i>Nil</i>	Health good. Prices almost stationary. Prospects of current harvest good.
Peshawar . . .	10	Health good. Prices falling. Prospects of current harvest good.
		<i>General Remarks.</i> —Rain has fallen in the Rawalpindi and Peshawar districts. Health of the province good. Prices of foodgrains rising in the Unbhatta, Ferozepore, and Lahore districts, and falling in the Peshawar district; elsewhere stationary. Prospects of current harvest good; harvest in progress.
<b>Central Provinces—(April 28th)</b>		
Nagpur . . .	<i>Nil</i>	Weather hot and cloudy. Ground being prepared for <i>kharif</i> sowings. Fever, small-pox and cattle-disease prevalent. Prices stationary.
Jubbulpore . . .	<i>Nil</i>	Days hot. Threshing and winnowing well in hand. Health good. Prices steady.
Saugor (April 27th)	<i>Nil</i>	Weather hot and windy. Threshing continues. Prices fallen. Fever and small-pox prevalent.
Seoni . . .	<i>Nil</i>	Weather cloudy and hot. Threshing and winnowing in progress; ground being prepared for <i>kharif</i> sowings. Slight small-pox. Prices steady.
Hoshangabad . . .	<i>Nil</i>	Weather hot. Winnowing continues. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . .	<i>Nil</i>	Weather warm and cloudy. <i>Kharif</i> preparations continue. Health fair. Prices stationary.
Raipur . . .	<i>Nil</i>	Weather cloudy and hot. Threshing continues. Cholera increasing; small-pox and cattle-disease in places. Rice 24 seers per rupee.
Sambalpur (April 24th)	<i>Nil</i>	Weather warm. Sugarcane planting completed. Cholera in parts. Trade brisk. Prices stationary.
		<i>General Remarks.</i> —Weather hot and rather cloudy. <i>Kharif</i> ploughings commenced in places. Cholera prevalent in Raipur and small-pox in a few districts. Prices steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—</b> (April 28th)		
Akyab . (April 24th)	<i>Nil</i>	Public health good ; cattle healthy.
Bassein . . . . .	<i>Nil</i>	Slight cholera in town ; cattle healthy.
Rangoon . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Amherst (Moulmein) . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Pegu . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Henzada . . . . .	<i>Nil</i>	Public health good ; cattle-disease in one township.
Prome . . . . .	<i>Nil</i>	Public health and health of cattle good.
Toungoo . . . . .	<i>Nil</i>	Public health and health of cattle good.
Thayetmyo . . . . .	<i>Nil</i>	Public health and health of cattle good.
<i>General Remarks.</i> —Slight cholera in Bassein and Thongwa tracts ; elsewhere public health good ; slight cattle-disease in the Tharrawaddy, Henzada, and Amherst districts ; elsewhere cattle healthy.		
<b>Assam—</b> (April 28th)		
Gauhati (April 27th) . . . . .	1.68	Weather hot. Cholera prevalent in station Gauhati and in Luki taluk ; cattle-disease still exists in some monas.* Sowing of <i>ahu</i> paddy nearly finished ; planting of sugarcane commenced. State of crops good. Prospects favourable.
Sylhet . . . . .	.56	Weather warm. Ploughing for <i>asra</i> crops retarded for want of rain. Common rice 12 seers $5\frac{1}{4}$ chutaks per rupee. Three deaths from cholera from Sadr and seven from Katigora reported.
Cachar . . . . .	<i>Nil</i>	Weather reasonable. Pressing of sugarcane nearly finished. Sowing of <i>ala dhan</i> continues, and land being prepared for <i>sali dhan</i> . Cholera still prevalent in North Lakhimpur.
Dibrugarh . . . . .	3.52	
<b>Mysore and Coorg—</b> (April 28th)		
Bangalore . . . . .	Rain, varying from 15 to 80, falling in four taluks of the Shimoga district ; but no rain reported in the Mysore and Tumkac districts, and in parts of the Bangalore and Kolar districts.	Rain is needed in Kolar for the coffee plantations. Standing crops need water, and fodder is diminishing ; elsewhere crops are generally in good condition. Season prospects fair. Public health good, except that there are cases of small-pox in some taluks of Bangalore and Tumkur, and cattle-disease in parts of the Bangalore and Shimoga districts. No material change in prices.
Mysore . . . . .		
Mercara . . . . .	<i>Nil</i>	Prices of foodgrains slightly risen. Prospects of season and public health good ; fever prevalent in Nanjarajapatna taluk.
<b>Berar and Hyderabad—</b>		
Amraoti (April 28th) . . . . .	<i>Nil</i>	Weather hot. Fields are being prepared for the next season. Wheat 12 and <i>mar</i> 20 seers per rupee.
Akola . . . . .	<i>Nil</i>	Weather hot. Preparations for the ensuing sowing are being made.
Hyderabad . . . . .	.05	Total rainfall since 1st January last 17. Standing crops prospering. General health of tanks fair. Prices wheat 15 $\frac{1}{4}$ , coarse rice 10 $\frac{1}{2}$ , white <i>mar</i> 21 $\frac{1}{4}$ , yellow <i>mar</i> 12, and <i>kur</i> 15 $\frac{1}{4}$ seers per current sicca rupee.
<b>Central India States—</b> (April 28th)		
Indore . . . . .	<i>Nil</i>	Weather very warm and cloudy.
Moran (Gwalior) . . . . .	<i>Nil</i>	Weather seasonable.
Satra . . . . .	<i>Nil</i>	Weather cloudy and very hot. Health and prospects good.
Necmunch . . . . .	<i>Nil</i>	Weather very warm. Water rather scarce. Health good.
Goona . . . . .	<i>Nil</i>	Weather getting warm. Health good.
Agra . . . . .	<i>Nil</i>	Health and prospects fair.
Schore . . . . .	<i>Nil</i>	Weather clear. Health good.
Nowgong . . . . .	<i>Nil</i>	Weather normal. Days are hotter. Health good.
<b>Rajputana—</b> (April 28th)		
Ala . (April 28th)	<i>Nil</i>	Weather seasonable and warmer ; latterly slightly cloudy.
Sirohi . ( " 25th)	<i>Nil</i>	Tanks dry ; wells low. Health good. Weather fine and hot.
Marwar . ( " 23rd)	<i>Nil</i>	Tanks almost half full. Health good. Crops being gathered. Winds hot ; weather sometimes close and oppressive ; heat increasing. Prices stationary.
Kherwara . ( " 25th)	<i>Nil</i>	Tanks and wells drying. Crops being reaped ; threshing in progress. Health good. Prices steady. Heat increasing.
Meywar . ( " 24th)	<i>Nil</i>	Tanks and wells low. Crops gathered. Health very good. Prices stationary. Weather seasonable.
Haroti . ( " " )	<i>Nil</i>	Weather hot. Threshing and winnowing in progress. Health good.
Jhallawar . ( " 23rd)	<i>Nil</i>	Weather hot. Health fair.
Kotah . ( " 24th)	<i>Nil</i>	Harvest being gathered. Weather hot and seasonable.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—contd.</b>		
Ajnere (April 27th)	<i>Nil</i>	Tanks and wells decreasing. Heat increasing. Slight fever and small-pox in district. Reaping operations over.
Jeypore ( " " )	<i>Nil</i>	Harvesting almost completed, fair outturn expected. Prices risen.
Kerowlee ( " 24th)	<i>Nil</i>	Tanks and wells dry. Harvesting finished. Prices rising.
Dholepore ( " " )	<i>Nil</i>	Tank, and wells decreasing. Harvesting finished. Prices stationary. Health good.
Bhugtpore ( " " )	<i>Nil</i>	Tank, and wells full. Harvesting continues. Health good. Prices steady.
Ulwur ( " 27th)	<i>Nil</i>	Harvesting almost completed. Small-pox and fever continue in parts. Prices steady.
Bickanir ( " 24th)	<i>Nil</i>	Fever in two districts. Prices stationary. Weather warmer.
<b>Nepal—(April 23rd)</b>		
Katmandu (April 22nd)	·05	Prospects of the crops good.

C. J. LYALL,

*Officiating Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. LII OF 1885-86.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR 3 DAYS ENDING 31ST MARCH 1885.		Total mean length open.	RECEIPTS FOR 4 DAYS ENDING 31ST MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1884 TO 31ST MARCH 1885.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 31ST MARCH 1886.		Total Increase in 1885-86.	Total Decrease in 1885-86.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Ry.</i>		<i>Rs.</i>	<i>Ry.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
3rd April 1886	Oudh and Rohilkhand	668	63,704	105	680	77,956	115	51,30,206	172	57,38,563	176	6,28,267	...
Ditto	Madras	801	71,177	89	801	81,613	95	72,14,814	102	75,77,976	169	3,32,862	...
Ditto	South Indian	654	43,170	66	654	55,520	85	43,95,728	127	48,52,453	134	2,31,675	...
10th April	Great Indian Peninsula	1,504	3,06,255	203	1,504	5,00,681	333	3,55,51,949	447	3,61,32,820	460	10,77,877	...
3rd do.	Bombay, Baroda and Central India	491	1,18,170	250	491	1,73,714	377	1,90,70,488	562	1,90,11,582	538	8,45,094	...
	<b>TOTAL</b>	<b>4,088</b>	<b>6,21,545</b>	<b>100</b>	<b>4,100</b>	<b>8,80,564</b>	<b>214</b>	<b>6,38,73,320</b>	<b>302</b>	<b>6,60,43,100</b>	<b>313</b>	<b>31,15,775</b>	<b>...</b>
	<i>State.</i>												
10th April 1886	East Indian	1,500	4,46,006	296	1,515	5,80,241	383	4,90,70,774	546	4,67,77,685	592	37,56,911	...
3rd April	Eastern Bengal	233	50,170	234	244	47,588	203	57,80,111	476	45,18,770	372	12,31,920	...
10th do.	Nalhati	27	800	30	27	1,014	38	77,000	83	79,210	56	1,616	...
3rd do.	Northern Bengal	241	17,013	64	241	24,430	105	21,11,114	108	23,00,000	179	1,50,580	...
3rd do.	Kaunia Dharla	37	1,497	38	37	744	20	1,1,013	81	1,7,039	66	27,21	...
10th do.	Tuboi	200	10,413	73	220	14,583	64	1,00,000	114	1,87,043	100	18,944	...
10th do.	Patna-Gya	57	3,175	91	57	8,344	147	5,40,837	181	4,01,021	166	...	...
10th do.	Cawnpore-Ahmednagar	249	7,000	28	253	12,041	50	9,7,714	75	9,10,119	71	...	...
10th do.	Dildarnagar Ghazipur	12	515	43	12	859	47	4,334	70	4,9,413	74	...	...
3rd do.	Rampur-Malwa (a)	1,411	1,28,700	91	1,411	1,83,000	133	1,30,13,300	203	1,64,00,820	244	25,03,593	...
3rd do.	Wardha-Cool	45	7,000	107	45	8,247	183	9,88,773	204	6,30,884	273	...	...
3rd do.	Nagpur and Chhattisgarh	149	2,115	142	149	7,010	184	13,73,045	177	14,52,573	187	78,878	...
3rd do.	British Baroda	254	20,000	117	312	98,417	112	21,33,118	101	23,78,991	147	2,43,040	...
10th do.	Sindha	75	4,157	55	75	48,100	61	3,00,000	100	3,70,000	97	17,91	...
10th do.	North-Western	1,803	2,94,771	147	1,803	3,00,138	180	2,00,00,000	247	2,84,05,877	303	55,03,148	...
10th do.	Amritsar-Patankot	66	447	37	66	4,570	90	5,00,000	70	5,00,000	85	63,833	...
10th do.	Bareilly-Pilibhit	30	653	19	30	1,007	28	(b) 20,417	34	20,418	42	48,990	...
3rd do.	Naravangar-Dacca-Mymensingh	10	274	27	86	1,771	21	(c) 27,054	207	1,01,417	41	1,05,758	...
13th March	Jorhat	...	(d)	...	...	(e)	...	(f) 1,637	13	(f) 3,330	26	29,105	...
	<b>TOTAL</b>	<b>10,370</b>	<b>5,00,000</b>	<b>115</b>	<b>5,000</b>	<b>7,11,100</b>	<b>140</b>	<b>5,73,885</b>	<b>206</b>	<b>6,00,41,036</b>	<b>227</b>	<b>74,03,071</b>	<b>...</b>
	<b>GRAND TOTAL (GUARANTEED AND STATE)</b>	<b>10,370</b>	<b>5,00,000</b>	<b>115</b>	<b>5,000</b>	<b>7,11,100</b>	<b>140</b>	<b>5,73,885</b>	<b>206</b>	<b>6,00,41,036</b>	<b>227</b>	<b>74,03,071</b>	<b>...</b>
	<b>GROSS ESTIMATED EXPENSES</b>												
	<b>NET RECEIPTS</b>												
	<i>Assisted Companies.</i>												
3rd April 1886	Bengal-Central	176	9,801	78	120	6,360	50	5,22,846	80	5,32,511	82	9,665	...
10th do.	Rohilkhand and Kumaon	67	1,744	26	67	3,611	54	(b) 8,583	52	2,40,373	71	1,63,540	...
3rd do.	Assam	78	2,277	29	78	3,485	43	2,28,105	62	2,81,241	69	53,436	...
3rd do.	Southern Malhatta	214	5,077	28	316	15,720	50	3,35,814	41	10,00,831	61	6,08,009	...
3rd do.	Bombay and North-Western	305	11,297	37	305	10,610	65	(g) 3,20,939	53	13,87,678	88	10,55,710	...
10th do.	Tarakespur	22	5,397	102	22	5,241	170	(h) 79,812	282	2,06,371	221	1,70,559	...
	<b>TOTAL</b>	<b>880</b>	<b>34,083</b>	<b>43</b>	<b>912</b>	<b>52,550</b>	<b>58</b>	<b>15,81,369</b>	<b>59</b>	<b>37,12,997</b>	<b>78</b>	<b>21,26,928</b>	<b>...</b>
	<i>Native States.</i>												
10th April 1886	Bhavnagar-Gondal	193	9,824	51	193	11,789	61	11,10,614	110	9,44,364	94	...	1,66,25
3rd do.	Jodhpore	64	708	11	61	2,417	38	80,395	38	1,80,814	50	1,06,440	...
3rd do.	Nizam's	121	9,082	75	121	10,150	84	9,78,519	155	11,40,392	182	1,67,873	...
Last 4 days of March 1886	Mysore	140	3,533	25	140	4,460	32	3,80,875	62	4,38,055	60	57,180	...
10th April	Rajpura-Patiala	10	408	20	10	710	45	(j) 18,347	53	55,142	66	30,795	...
	<b>TOTAL</b>	<b>534</b>	<b>23,615</b>	<b>44</b>	<b>534</b>	<b>29,541</b>	<b>55</b>	<b>25,08,720</b>	<b>102</b>	<b>27,70,767</b>	<b>99</b>	<b>2,02,047</b>	<b>...</b>

B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been available of as far as possible.

(a) Including Rewari-Perozepore State Railway.

(b) Total receipts from 12th October 1884 to 31st March 1885.

(c) Total receipts from 4th January to 31st March 1885.

(d) Return not received.

(e) Total receipts from 15th December 1884 to 14th March 1885.

(f) Total receipts from 1st April 1885 to 13th March 1886.

(g) Total receipts from 2nd April 1884 to 31st March 1885.

(h) Total receipts from 1st January to 31st March 1885.

(j) Total receipts from 1st November 1884 to 31st March 1885.

SIMLA,

28th April, 1886.

FRED. FIREBRACE, Major, R.E.,

Under Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 1, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Subscription for <i>Gazette</i> and Supplement per annum . . . . .	15	0	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid in advance.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### COMPTROLLER, INDIA TREASURIES.

#### NOTIFICATION

*Calcutta, the 28th April 1886*

It is notified that nine blank forms of Remittance Transfer Receipts, Nos 56513 to 56521 inclusive, have been stolen from the Mandalay Treasury.

J. E. COOKE.

## TELEGRAPH DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 21st April 1886.*

**No. 1.**—Mr. G. Wheatley, Assistant Superintendent, 1st Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 25th March 1886.

*The 24th April 1886.*

**No. 2.**—Mr. T. McKelvey, Superintendent, 4th Grade, is allowed furlough for eight months and sixteen days under Section 50 of the Civil Leave Code, with effect from the forenoon of the 21st March 1886.

A. J. LEPTOC CAPPEL,

*Director General of Telegraphs in India.*

**AGENT TO THE GOVERNOR  
GENERAL, BELUCHISTAN,  
P. W. D.**

## NOTIFICATION.

*Quetta, the 23rd April 1886.*

**No. 73.**—Babu Aghore Nath Mookerjee, Assistant Engineer, 1st Grade, is transferred from the Office of the Superintending Engineer, Frontier Road Circle, to the 1st Division, Frontier Road.

A. C. BIGG-WITHER,

*Joint Secy. to Agent to the Govr. Genl.,  
Beluchistan, P. W. D.*

**AGENT TO THE GOVERNOR GENERAL  
FOR CENTRAL INDIA.**

## NOTIFICATION.

*Indore Residency, the 26th April 1886*

**No. 1631.**—Major C. Ransford, Officiating Wing Commander and 2nd-in-Command, Bhopal Battalion, held charge of the Bhopal (Sehore) Treasury, in addition to his own duties, from the 8th March to the 16th April 1886, both days inclusive, during the absence on special duty of Colonel W. Kincaid at Calcutta.

By Order,

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.,  
for Central India.*

**AGENT TO THE GOVERNOR  
GENERAL, RAJPUTANA.**

## NOTIFICATIONS.

*Abu, the 22nd April 1886.*

**No. 904 G.**—Captain W. H. C. Wyllie, C.I.E., Political Agent, Kotah, is granted privilege leave for two months, with effect from the 10th May 1886, or such subsequent date as he may avail himself of the same.

Major H. Wyllie, C.S.I., Political Agent, Jhalawar, will hold charge of the current duties of the Kotah Agency Office, in addition to his own, during Captain Wyllie's absence.

**No. 908 G.**—This Office Notification No. 1163 G., dated the 12th May 1885, accepting the resignation by Captain W. G. Gilchrist of his commission in the Rajputana-Malwa Volunteer Rifle Corps, is hereby cancelled.

*The 24th April 1886.*

**No. 926 G.**—With reference to Foreign Department Notification No. 680 G., dated the 29th March 1886, Lieutenant-Colonel A. W. Roberts took over charge of the Ulwar Agency from Lieutenant-Colonel H. P. Peacock on the forenoon of the 17th April 1886.

**No. 928 G.**—Colonel C. B. Euan-Smith, C.S.I., Political Agent, Bhurtpore and Kerowlee, is granted privilege leave for eighty-sixty days, with effect from the 28th April 1886, or such subsequent date as he may avail himself of the same.

*The 26th April 1886.*

**No. 941 G.**—Second Class Hospital Assistant, No. 126, Goolam Nubbee, attached to the Deoli Irregular Force, having returned from the leave granted him in this Office Notification No. 654 G., dated 1st April 1886 on the 31st ultimo, the unexpired portion of his leave is hereby cancelled.

By Order,

HUGH DALY,

*for 1st Asst. Agent to the Govr. Genl.,  
Rajputana.*

**CHIEF COMMISSIONER OF  
AJMERE-MERWARA.**

## NOTIFICATION.

*Abu, the 26th April 1886.*

**No. 417-330 IV.**—With reference to Foreign Department Notification No. 682 G., dated the 29th March 1886, Captain A. M. Muir received charge of the office of Cantonment Magistrate, Nasirabad, from Lieutenant-Colonel A. W. Roberts on the forenoon of the 10th April 1886.

By Order,

HUGH DALY,

*for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.*

**RESIDENT IN MYSORE.**

## NOTIFICATION.

*Bangalore, the 22nd April 1886.*

**No. 1119.**—Mr. S. Venkatavarada Iyengar, B.A., M.L., made over charge, and Major E. A. Fraser assumed charge, of the Office of the Inspector General of Registration in the Civil and Military Station of Bangalore on the forenoon of Thursday, the 15th April 1886.

By Order,

E. A. FRASER, Major,  
*Assistant to the Resident.*

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATION

*Simla, the 10th April 1886.*

**No. 8.**—The services of the undermentioned Hospital Assistants of the Military Establishment are placed permanently at the disposal of the Chief Commissioner, British Burma, for civil employ in that Province, with effect from the dates specified:—

Third Grade Hospital Assistant, No. 322, Jogashur Lall,—12th February 1886.

Third Grade Hospital Assistant, No. 464, Gollam Mustafa,—15th February 1886.

Third Grade Hospital Assistant, No. 510, Jai Lal,—5th February 1886.

B. SIMPSON, M.D.,

*Surgeon-General with the Govt. of India.*

## MILITARY WORKS DEPARTMENT.

### NOTIFICATION.

*Simla, the 22nd April 1886*

**No. 2.**—Lieutenant A. D. G. Shelley, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Department Code H, 16, 18, for promotion to 1st Grade, on 10th April 1886

A. E. WARD, Major, S.C.,  
*for Inspector General, Military Works.*

## DIRECTOR GENERAL OF RAILWAYS.

### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 20th April 1886.*

**No. 25.**—With reference to Public Works Department Notification No. 98, dated 12th April 1886, Mr. R. T. Mallet, Chief Engineer, 3rd Class, is posted to the North-Western Railway.

*The 22nd April 1886.*

**No. 36.**—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Kala Ram, Apprentice Engineer, is posted to the Sind-Sagar State Railway.

**No. 37.**—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Sheo Nath, Apprentice Engineer, is posted to the Bellary-Kistna State Railway.

**No. 38.**—Mr. W. Monies, Executive Engineer, 4th Grade, temporary rank, is transferred in the interests of the public service from the North-Western Railway to the Sind-Pishin State Railway, Northern Section.

F. S. STANTON, Colonel, R.E.,

*Director General of Railways.*

## YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of Rs. 10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,

*Principal, Government Engineering College.*

## GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 24th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,

*Principal Govt. Engineering College.*

SEEBPORE.

*The 22nd April 1886.*

## BRITISH GUIANA EMIGRATION AGENCY.

### NOTIFICATION.

*Garden Reach, Calcutta, the 27th April 1886.*

It is hereby notified that a statement of unclaimed balances left by Indian immigrants deceased in Demerara is now lodged in this Office for public inspection.

Since the 1st November 1885, the heirs of forty-eight of the deceased have been traced by

the Protector of Emigrants at Calcutta, and Rs. 9,458-15-4 paid to them.

ROBERT W. S. MITCHELL,  
*Emigration Agent for British Guiana.*

**Statement of Silver Balance in the Calcutta Mint for the week ending 21st April 1886.**

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 14th April 1886	12,34,304	
Value of Government silver in the Mint on the same date	6,35,677	18,69,971
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	622	
Ditto ditto Government	2,302	2,924
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	2,10,000	15,72,895
Petty items issued for miscellaneous purposes	596	
		2,10,596
Balance on the evening of the 21st April 1886		10,62,299
The Balance comprises—		
Silver held on account of the Currency Department	9,66,192	
Ditto ditto Government	6,06,107	
There is in addition awaiting assay—		10,62,299
Bullion belonging to Private Individuals	2,89,100	
Ditto ditto Currency Department	55,85,350	58,74,450

A. W. BAIRD, Major, R.E.,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
The 22nd April 1886.

**Statement of Silver Balance in the Calcutta Mint for the week ending 28th April 1886.**

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 21st April 1886	9,66,192	
Value of Government silver in the Mint on the same date	6,06,107	16,62,299
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	3,14,168	
Ditto ditto Government		3,14,168
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	1,62,000	10,70,497
Petty items issued for miscellaneous purposes		1,62,000
Balance on the evening of the 28th April 1886		18,14,497
The Balance comprises—		
Silver held on account of the Currency Department	10,93,258	
Ditto ditto Government	7,21,239	
There is in addition awaiting assay—		18,14,497
Bullion belonging to Private Individuals	591	
Ditto ditto Currency Department	55,85,350	55,85,851

A. W. BAIRD, Major, R.E.,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
The 29th April 1886.

**CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

**Allahabad Circle.**

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
2	R 10—64630 D 20—55280	100 100	{ The Executive Engineer, Pilibhit and Sehrmahau Railway Survey, Bareilly.
3	D 20—61120 R 10—68410	100 100	
4	R 10—60016 " —61037	100 100	{ The Chief Pay Master, East Indian Railway, Calcutta. Pandit Jagalkishore Jushi, Moradabad.

ALLAHABAD,

The 28th April 1886.

H. J. BRERETON,

*Asst. Accountant Genl.,*

*In charge of Paper Currency Office.*

**Bombay Circle.**

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
1880.			
W17	S 3—19019 " —19003 " —07745 " —00441 " —03232 " —10049 " —19002 M 84—19108 M 57—05779	50 50 50 50 50 50 50 50	{ Dorabji Rustom, Ahmedabad.
W18	M 70—80053	1,000	

BOMBAY,

The 20th April 1886.

R. A. SIFERDALE,

*Asst. Act. Genl., Paper Currency Dept.*

**Lahore Circle.**

NOTE WHOLLY LOST OR DESTROYED

Regr. No.	No. of Note	Value.	Name of Claimant
		R	
3	E 26—28222	100	The Deputy Commissioner of Police, Calcutta.

LAHORE,

The 19th April 1886.

F. LARIENT,

*for Deputy Commissioner of Currency.*

**Madras Circle.**

NOTES WHOLLY LOST OR DESTROYED

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
1	B 83—42529 B 86—40477	50 100	{ Mr. J. Veil, Mercantile Mission Branch, Mercara.

FORT ST. GEORGE,

The 19th April 1886.

C. HALL,

*Chief Superintendent,*

*In charge of Paper Currency Dept.*

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value.			Number available for sale.	REMARKS.
			R	a.	p.		
1	Found in the Fattehgarh District. Coins of Maizz-ud-din Muhammad bin Sami. Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	8	These coins will be available for sale up to and not later than the 4th September 1886.
				each			
4	Found at Chaibassa, in the Singhbhum District. Old Hindu punched coins.	Silver.	0	4	0	224	Do. 7th December 1886
22	Found in the Gujrat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates	Copper.	0	1	0	66	Do. 17th January 1887.
23	Ditto with illegible dates	Do.	0	0	6	102	
39 & 40	Found in the Hissar District Akbar Gold Mohur with two beaded oblong and square areas—Mint Dar-ul-Khilafat, Agra, dates 983—984.	Gold.	22	0	0	15	Do. 5th April 1887.
41, 42, & 43.	Same as above.—Mint illegible, dates 982, 983, 984, and 985	Do.	22	0	0	37	
29 & 30	Akbar Gold Mohur, with two straight-lined, oblong, and round areas.—Mint Ahmadabad, dates 980 and 981.	Do.	22	0	0	7	
31, 32, 33, & 34.	Same as above, Mint Dar-ul-Khilafat, Agra, dates 977, 978, 979, and 980.	Do.	22	0	0	8	
26, 27, & 28.	Same as above, Mint illegible, dates 980, 981, and 983	Do.	22	0	0	7	

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

Statement of the Affairs of the Bank of Bengal for the week ending 20th April 1886.

LIABILITIES				ASSETS			
	R.	a.	p.		R.	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	59,72,951	4	0
Reserve Fund	41,56,694	15	0	Other authorized Investments	47,32,153	12	0
Public Deposits at Head Office	8,85,031	0	3	Loans on Government and other authorized Securities	1,05,44,074	1	5
Public Deposits at Branches	1,35,54,560	12	10	Accounts of Credit on Government and other authorized Securities	79,01,056	3	10
Other Deposits at Head Office and Branches	3,33,30,926	8	11	Bills discounted and purchased	2,50,00,030	5	9
Bank Post Bills, &c.	4,08,439	3	6	Balances with other banks	7,51,020	3	3
Sundries	17,02,907	2	5	Bullion	3,588	14	0
				Dead Stock	11,34,058	3	11
				Stamps	0,308	1	0
				Sundries	6,53,482	1	3
					5,08,00,219	13	5
				Cash and Currency Notes at Head Office	92,85,005	4	0
				Cash and Currency Notes at Branches	1,53,53,394	9	0
					2,46,38,399	13	6
RUPREES	8,14,99,519	10	11	RUPREES	8,14,99,519	10	11

BANK OF BENGAL,  
Calcutta, 22nd April 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 42'9.

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

**Statement of the Affairs of the Bank of Bengal for the week ending 27th April 1886.**

[illegible]

BANK OF BENGAL,  
Calcutta, 29th April 1880.

J. GORDON,  
Chief Asst. & Dir. Sec.

• By Order of the Directors,  
W. D. CRICKSHANK,  
*Offr. Secretary & Treasurer.*

Rate for Demand Loans 6 per cent.  
 Percentage 451.

POST OFFICE.

## NOTIFICATIONS

*Simla, the 5th April 1886.*

With effect from the 1st May 1886, the limit of weight for *light* parcels exchanged with the United Kingdom through the *British Post Office*\* will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

3 *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company\* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 21 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

*The 13th April 1886.*

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated.—

HALL-ANNA SQUARE ENVELOPES.		<i>R a. p</i>
Any number less than 10	each	0 0 5
Packets of 10	per packet	0 10 0

*1. 2. 2011 5:40*

3 envelopes cost	.	.	.	.	0	2	0
6 "	"	"	"	"	0	4	0
12 "	"	"	"	"	0	8	0

ONE-ANNA SQUARE ENVELOPES.			
Any number less than 8	each	0	1 2
Packets of 8	per packet	0	9 3

*Example --*

3 envelopes cost	0	3	6
6 " "	0	7	2

REGISTRATION ENVELOPES, SMALL SIZE.			
Any number less than 16	each	0	2 2
Packets of 16	per packet	2	2 6

*Example—*

3 envelopes cost	.	.	.	.	0 6 6
6 " "	.	.	.	.	0 13 0
12 " "	.	.	.	.	1 10 0

REGISTRATION ENVELOPES, LARGE SIZE.			
Any number less than 8	.	each	0 2 8
Packets of 8	.	per packet	1 5 3
" of 16	.	" "	2 10 6

*Excerpt from*

3 envelopes cost	.	.	.	.	.	0 8 0
" " "	.	.	.	.	.	1 0 0

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اور عام لوگوں کو ہوائی کارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس دوا پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ اور کلکتہ کے بڑے بڑے ولایتی اور دیہی دوا خانوں میں بکتی ہے محصول ڈاک چار اونس کے تین کا آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ روپیہ آٹھ آنہ

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa

District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886

W. W. PEMBERTON.

*District Judge, Thonegwa.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 19.}

SIMLA, SATURDAY, MAY 8, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART III.**—Advertisements and Notices by private individuals and Corporations.

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*Nothing for publication.*

SUPPLEMENT No. 19.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS

*Simla, the 7th May, 1886.*

**No. 144.**—Mr. W. M. Tidy is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 10th May, 1886, or such other date on which he may sail from India.

#### MEDICAL.

*The 3rd May, 1886.*

**No. 168.**—With reference to Home Department Notification No. 84, dated the 19th February, 1884, Surgeon-Major R. C. Sanders, M.D., is appointed substantively *pro tempore* Ophthalmic Surgeon and Professor of Ophthalmic Surgery in the Medical College, Calcutta, with effect from the 6th April, 1886.

#### JUDICIAL.

*The 5th May, 1886.*

**No. 596.**—*Erratum.*—In Home Department Notification No. 469, dated the 31st March last, appointing Mr. T. W. Smyth to officiate as a Judge of the Punjab Chief Court, for "2nd proximo," read "1st proximo."

*The 7th May, 1886.*

**No. 620.**—The services of Lieutenant J. M. A. Retallick, Wing Officer and Adjutant, 45th Bengal Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as an officiating Cantonment Magistrate.

**No. 622.**—*Appointment.*—Mr. W. E. Ward, M.A., of the Bengal Civil Service, to be Judicial Commissioner of British Burma, *vice* Mr. Jardine. Mr. Ward to continue to officiate as Chief Commissioner of Assam until further orders.

#### ECCLESIASTICAL.

*The 7th May, 1886.*

**No. 116.**—The Reverend Edward Daubeny Elton, B.A., has been appointed a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment.

#### PATENTS.

*The 26th April, 1886.*

**No. 502.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the

Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying —

*No. 110 of 1884.*—Jonathan Smith, of the Island of Jersey, Merchant, for improvements in the treatment of vegetable fibre for the extraction of the extraneous matter therefrom.

*No. 94 of 1885.*—James Pice Cleghorn, at present of Akra, near Calcutta, Civil Engineer and an Engineer in the Public Works Department, Bengal, for improvements in the process of reeling silk from Pussar cocoons and for apparatus in connection therewith.

*No. 100 of 1885.*—Francis Gascongne Lyndey, of Ahmedabad, in the Presidency of Bombay, Civil Engineer, for improvements in the means of conveying rails to their chairs.

*No. 105 of 1885.*—James Crichton Kinnaird, of Sunningwell, Leamington, Warwickshire, England, Engineer, and John Richardson, of the firm Robey and Company of Lincoln England, Engineers, for improvements in Tractioning Machinery.

*No. 111 of 1885.*—William Blackburn Turner, resident of Calcutta, near Calcutta, in the Province of Bengal, for an improved steam, hand, or animal or power press, called the "Commercial Press."

*No. 110 of 1885.*—Gottlieb Daimler, of Cannstadt, Württemberg, in the German Empire, for improvement in motor engines, worked by combustible gases or petroleum vapour or spray.

*No. 134 of 1885.*—John Strahan, District Locomotive Superintendent, East Indian Railway, and Fredrick Watkins, Locomotive Foreman, East Indian Railway, both residing at Jorhatpore, in Bengal, for an improved holder and guide for bearings of journals of axles for all kinds of railway vehicles and train cars.

*No. 138 of 1885.*—Edward Spencer Page, of the City of Toronto, in the County of York, in the Province of Ontario, Canada, Manufacturer, for improvements in Semaphore and other Elevated Signal Lights.

*No. 145 of 1885.*—William Webster, Engineer, residing at Aynley, London, in the County of York, Kingdom of Great Britain and Ireland, for improvements in overedge sewing machines.

*No. 160 of 1885.*—William Bruce Dick, of London, England, Engineer and Contractor, for improvements in apparatus for extinguishing fire.

*No. 172 of 1885.*—Evaristo Comido Engelberg, Mechanical Engineer, a resident of the City of Paranaíba, in the Province of São Paulo, Brazil, for an improved machine for hulling rice.

*No. 180 of 1885.*—Benjamin Longacre Ryder, Gentleman, of Chambersburg, in the County of Franklin and State of Pennsylvania in the United States of America, for an improvement in method and apparatus for dehydrating vegetable and animal matter.

*No. 182 of 1885.*—Jonathan Smith and Philip Winter Nicolle, of the Island of Jersey, Merchants, for improvements in the extraction of the extraneous matters from, and in bleaching vegetable fibres.

*No. 136 of 1885.*—Henry Shield, of the Firm of Fawcett, Preston and Company, of Liverpool, England, Engineers, and Jabez Howarth, of the same place, Mechanical Draughtsman, for improvements in baling presses.

*No. 194 of 1885.*—James Gresham, of the firm Gresham and Craven, of Craven Ironworks, Salford, in the County of Lancaster, Engineers, for improvements in injectors.

*No. 13 of 1886.*—Frederick Sindors, of St. Petersburg, in Russia, Merchant, for improvements in the system of removing sewage, &c., from cesspools, sinks, and the like.

*No. 15 of 1886.*—Henry Hamilton Remfry, of 5 Fancy Lane, Calcutta, Solicitor and Patent Agent, for improvements in Pen-holders and the like.

*No. 10 of 1886.*—Emil Kretzner, Kilm Buck owner in Kunzendorf, Kingdom of Prussia, for improvements in mouth-pieces of clay-moulds for the manufacture of hollow tiles.

*No. 17 of 1886.*—William Henry Johnson, of 26 Lever Street, Manchester, in the County of Lancaster, England, Iron Merchant, for improvements in walls, roofs, partitions, and other similar structures.

*No. 19 of 1886.*—Jules Wunch, of Béziers Hérault, in the Republic of France, Engineer, for improvements in the treatment of amorphous and auriferous materials.

*No. 25 of 1886.*—Henry Hamilton Remfry, of 5 Fancy Lane, Calcutta, Solicitor and Patent Agent, for improvements in Pen-holders.

*No. 26 of 1886.*—John Darling, of 11 Bothwell Street, Glasgow, in the County of Lanark, North Britain, Engineer, for improvements in apparatus for coupling and uncoupling railway vehicles.

A. P. MACDONNELL,

*Off. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

### NOTIFICATIONS.—SURVEYS.

*Simla, the 5th May, 1886.*

**No. 307 - 83-4 S.**—Mr. F. R. Mallet, Superintendent, Geological Survey of India, is granted seven months' furlough on medical certificate under Section 52, Chapter V, of the Civil Leave Code, with effect from the 24th ultimo, or any subsequent date on which he may avail himself of it.

*The 7th May, 1886.*

**No. 405—42-13 S.**—Major C. Strahan, R.E., Deputy Superintendent of Surveys, 2nd grade, and Assistant Surveyor General, is deputed to Madras on special duty prior to his availing himself of the furlough granted in Military Department Notification No. 60, dated the 29th January, 1886.

## EXHIBITIONS.

*The 6th May, 1886.*

**No. 1357 Ex.**—The following papers relating to the opening of the Colonial and Indian Exhibition, London, on the 4th instant, by Her Majesty the Queen-Empress, which have been received by telegraph from His Royal Highness the Prince of Wales, Executive President of the Royal Commissioners, are published for general information:—

## COLONIAL AND INDIAN EXHIBITION.

*Address by His Royal Highness, the Executive President, to Her Majesty the Queen, on the occasion of the opening of the Exhibition.*

MAY IT PLEASE YOUR MAJESTY,—As Executive President of the Royal Commissioners appointed by Your Majesty's Royal Warrant of the 18th of November, 1884, for the promotion of an Exhibition of the British Colonial and Indian Empire, and subsequently incorporated by Your Majesty's Royal Charter of the 10th September, 1885, I humbly beg leave to lay before you a brief statement of our proceedings up to the present time. The general interest manifested in the display made by Your Majesty's Colonial and Indian Empire at the Paris Exhibition of 1878 led me, as President of the British Commission, to express a hope that an opportunity might soon occur by which Your Majesty's subjects in England would be enabled to witness the marvellous development which, under your benignant rule, their brethren and fellow-subjects had attained throughout so many portions of the globe. It was, therefore, with the highest gratification that I accepted Your Majesty's gracious invitation to assume the Executive Presidency of this Commission, the appointment of which by Your Majesty has been the means of making this hope a reality. The invitations which we were empowered by Your Majesty to issue to the Colonial Governments and to the Government of India were forwarded towards the close of the year 1884, and from the answers received it at once became apparent that this undertaking had obtained warm and hearty sympathy throughout Your Majesty's dominions. In Your Majesty's dominion of Canada, throughout your Australasian, African, West Indian, and Eastern Colonies, in your Mediterranean Possessions and elsewhere, grants were voted, Commissions formed, and Executive Commissioners appointed. That the work of preparation was undertaken with enthusiasm and attended with success, is evident from the complete and varied collections which at present fill the buildings through which Your Majesty has just passed. The response received from the Government of India was also of the most cordial character. His Excellency the Viceroy caused, through the Revenue and Agricultural Department, instructions to be issued to every district of Your Majesty's Indian Empire for the collection of objects illustrative of the arts, manufactures, and resources of that great realm. These collections, which now adorn a large section of the Exhibition, have been supplemented by generous contributions from their Highnesses the Princes of India, by collections the formation of which we ourselves have authorised, and by the contributions of private Native exhibitors. We are desirous of bringing under Your Majesty's notice our deep appreciation of the hearty cooperation of the Colonial Governments in this Exhibition, and of taking this exceptional opportunity of stating how greatly we are indebted to the Commissions appointed by these Governments and to the Executive Commissioners on whom the superintendence of the entire work of installation has devolved. We further desire to record the valuable assistance which we have received from Your Majesty's Viceroy, from the Supreme Government of India, and from the various officials who have so ably and thoroughly carried out their instructions. Our grateful thanks are also due to the Colonial Governments, to the Government of India, to the Corporation of the City of London, to many City Companies, and to the firms and individuals who have contributed to the guaranteed funds. The fact that the list of subscribers not only includes those whose interests are likely to be specially affected by the Exhibition, but also comprehends every class of the community, supplies a gratifying proof of the universal sympathy and interest which this undertaking has aroused. We venture to avail ourselves of this opportunity to convey to Your Majesty our dutiful and loyal acknowledgments of the interest which Your Majesty has been pleased to take in our labours, proved as it is by Your Majesty's presence here today; nor can I resist a reference to a similar ceremonial presided over by Your Majesty, but a few paces from this spot, thirty-five years ago. On that memorable occasion, the first of its kind, the Prince Consort, my beloved and revered father, filled the position which I, following in his footsteps at however great a distance, now have the honour and gratification of occupying. Your Majesty alone can fully realise with what deep interest my beloved father would, had he been spared, have watched, as their originator, the development of the Exhibitions both in this country and abroad, and with what especial pleasure he would have welcomed one having for its object the prosperity of Your Majesty's Empire, the interests of which he had so much at heart. In the great Exhibition of 1851 Your Majesty's Colonial and Indian Possessions were indeed represented, but their importance was then but little realised, and their present greatness was at that time unforeseen. During the years that have elapsed since 1851, few greater changes have been wrought than the marvellous development of the outlying portions of your Majesty's Empire. It is our heartfelt prayer that an undertaking intended to illustrate and to record this development may give a stimulus to the commercial interests and intercourse of all parts of Your Majesty's dominions: that it may be the means of augmenting that warm affection and brotherly sympathy which is reciprocated by all Your Majesty's subjects; and that it may still further deepen that steadfast loyalty which we, who dwell in the Mother-country, share with our kindred who have elsewhere so nobly done honour to her name.

*Reply of Her Majesty the Queen-Empress.*

I receive with the greatest satisfaction the Address which you have presented to me on the opening of this Exhibition. I have observed with a warm and increasing interest the progress of your proceedings in the execution of the duties entrusted to you by the Royal Commission, and it affords me sincere gratification to witness the successful result of your judicious and unremitting exertions in the magnificent Exhibition which has been gathered together here today. I am deeply moved by your reference to the circumstances in which the ceremony of 1851 took place, and I heartily concur in the belief you have expressed that the Prince Consort, my beloved husband, had he been spared, would have witnessed with intense interest the development of his ideas, and would, I may add, have seen with pleasure our Son taking the lead in the movement of which he was the originator. I cordially concur with you in the prayer, that this undertaking may be the means of imparting a stimulus to the commercial interests and intercourse of all parts of my dominions by encouraging the arts of peace and industry, and by strengthening the bond of union which now exists in every portion of my Empire.

ODE ON THE OPENING  
OF THE  
COLONIAL AND INDIAN EXHIBITION  
BY

LORD TENNYSON, POET LAUREATE.

Welcome ! welcome ! with one voice  
In your welfare we rejoice,  
Sons and brothers that have sent  
From Isle and Cap and Continent  
Produce of your toil and flood,  
Mount and mine, and primal wood,  
Works of subtle brain and hand,  
And splendours of the morning land,  
Gifts from every British zone,  
Britons hold your own !

May we find, as ages run,  
The mother featured in the son !  
And may yours for ever be  
That old strength and constancy,  
Which has made your fathers great  
In our ancient island State,  
And where'er her flag may fly,  
Glorying between sea and sky,  
Makes the might of Britain known !  
Britons hold your own !

Britain fought her sons of yore  
Britain failed ; and never more,  
Careless of our growing kin,  
Shall we sin our fathers' sin—  
Men, that in a narrower day,  
Unprophetic rulers they,  
Drove from out the mother's nest  
That young eagle of the West  
To forage for herself alone.  
Britons hold your own !  
Sharers of our glorious past,  
Brothers, must we part at last ?  
Shall not we, through good and ill,  
Cleave to one another still ?  
Britain's myriad voices call  
Sons, be welded each and all  
Into one Imperial whole,  
One with Britain heart and soul,  
One life, one flag, one fleet, one throne !  
Britons hold your own !

And God guard all !

*Telegram from Her Majesty the Queen-Empress, to His Excellency the Viceroy,  
dated the 5th May, 1886.*

Opening of Indian and Colonial Exhibition went off splendidly. Great enthusiasm. Delighted to see so many of my Indian subjects.

C. J. LYALL,  
Offg. Secretary to the Government of India.

## STAR OF INDIA.

## NOTIFICATION.

*Simla, the 5th May, 1886.*

**No. 18 S.I.**—The following extract which appeared in the *London Gazette*, dated the 16th February, 1886, is republished for general information:—

*India Office, 8th February, 1886.*

The Queen has been graciously pleased to nominate and appoint Juland Danvers, Esq., Secretary to the Public Works Department of the India Office, to be a Knight Commander of the Most Exalted Order of the Star of India.

H. M. DURAND,

*Secretary to the Most Exalted  
Order of the Star of India.*

## INDIAN EMPIRE.

## NOTIFICATION.

*Simla, the 5th May, 1886.*

**No. 22 I.E.**—The following extracts, which appeared in the *London Gazette*, dated the 25th January and 12th March, 1886, are republished for general information:—

*India Office, 22nd January, 1886.*

The Queen has been graciously pleased to nominate and appoint General the Hon'ble Sir Arthur Edward Hardinge, K.C.B., late Commander-in-Chief of Her Majesty's Forces, Bombay, to be a Companion of the Order of the Indian Empire.

*India Office, 10th March, 1886.*

The Queen has been graciously pleased to nominate and appoint Major Viscount Downe, 2nd Life Guards, to be a Companion of the Order of the Indian Empire.

H. M. DURAND,

*Secretary to the Order of the Indian Empire.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—GENERAL.

*Simla, the 6th May, 1886.*

**No. 948 G.**—The services of Assistant Surgeons Benod Behari Das and Sodhi Fateh Singh are replaced at the disposal of the Home Department, with effect from the date on which they may be relieved of their duties in the Kashmir State.

**No. 951 G.**—Hospital Assistant A. Samuel Pillay, attached to the Civil Dispensary at Quetta, is granted three months' privilege leave, with effect from the date on which he may avail himself of it.

**No. 953 G.**—The following promotions are made in the Berar Commission, with effect from the 26th March, 1886, consequent on the depar-

ture on furlough of Mr. A. Elliott, Assistant Commissioner of the 1st class, sub. *pro tem.*—

Lieutenant-Colonel R. S. Thompson, officiating Assistant Commissioner of the 1st class, to be an Assistant Commissioner of the 1st class, sub. *pro tem.*

Mr. C. A. W. Davies, Assistant Commissioner of the 2nd class, sub. *pro tem.*, to officiate as an Assistant Commissioner of the 1st class.

Saiyad Shams-ud-Din Ali, Khan Bahadur, officiating Assistant Commissioner of the 2nd class, to be an Assistant Commissioner of the 2nd class, sub. *pro tem.*

**No. 958 G.**—The services of Lieutenant I. Herbert, Squadron Officer, 1st Regiment, Central India Horse, are replaced at the disposal of the Military Department, for employment on the personal staff of His Excellency the Governor of Bombay, with effect from the date of joining.

*The 7th May, 1886.*

**No. 967 G.**—His Excellency the Viceroy and Governor-General has been pleased to confer upon Khizar Khan, Riding Master in the Mayo College, Ajmere, late a Duffadar, 19th Bengal Lancers, the honorary rank of Jemadar.

## EXTERNAL.

*The 4th May, 1886.*

**No. 789 E.**—It is hereby notified that the Secretary of State for India has, by Resolution in Council, declared the provisions of the first section of an Act passed in the thirty-third year of Her Majesty's reign, Chapter 3, entitled "An Act to make better provision for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto," to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States, being part of the territories under the government of the Governor-General of India in Council.

**No. 791 E.**—By command of the Queen-Empress, it is hereby notified that the territories of Upper Burma which were formerly governed by King Thebaw, and which are mentioned in the Proclamation of 1st January, 1886, are, and shall be deemed to have been, from the 26th day of February, 1886, part of the territories vested in Her Majesty by virtue of Statute 21 and 22 Vic., Cap. 106 (An Act for the better government of India).

## INTERNAL.

*The 7th May, 1886.*

**No. 1503 I.**—Whereas His Highness the Maharaja of Patiala, His Highness the Raja of Nabha, and His Highness the Raja of Kapurthala have ceded to the British Government full jurisdiction within the lands which lie within their respective States and are occupied by the North-Western Railway, till lately called the Sind, Punjab and Delhi Railway (including the lands occupied as stations, out-buildings, and for other purposes connected with the Railway within their territories): In exercise of this jurisdiction, and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879,

and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification:—

- I.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Ludhiana district of the Punjab, are hereby extended to the portion of the aforesaid lands which lies in the Pail tahsil of the Patiala State.
- (2) The Deputy Commissioner of the Ludhiana district and the Commissioner of the Jalandhar division, for the time being, shall have within this portion of the aforesaid lands the same executive powers as they have respectively within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Ludhiana district shall have within this portion of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- II.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Umballa district of the Punjab, are hereby extended to the portions of the aforesaid lands which lie in the Nabha State or in any subdivision of the Patiala State other than the Pail tahsil.
- (2) The Deputy Commissioner of the Umballa district and the Commissioner of the Delhi division, for the time being, shall have within these portions of the aforesaid lands the same executive powers as they have respectively within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Umballa district shall have within these portions of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- III.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Jalandhar district of the Punjab, are hereby extended to the portion of the aforesaid lands which lies in the Kapurthala State.
- (2) The Deputy Commissioner of the Jalandhar district and the Commissioner of the Jalandhar division, for the time being, shall have within this portion of the aforesaid lands the same executive powers as they have, respectively, within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Jalandhar district shall have within this portion of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- IV.—The Financial Commissioners of the Punjab and the Lieutenant-Governor of the Punjab and its Dependencies, for the time being, shall have within all the aforesaid lands the same executive powers as they have, respectively, within the British territories subject to their administration.
- V.—Within all the aforesaid lands the administration of the Police shall be vested in the Assistant Inspector-General of Railway Police, or such other officer or officers as the said Lieutenant-Governor may appoint, by name or in virtue of office, in that behalf; and the Assistant Inspector-General or other officer or officers as aforesaid shall

have within the several portions of the said lands, in subordination to the Deputy Commissioner having jurisdiction therein, and to the Inspector-General of Police of the Punjab, all the powers which the District Superintendent of Police has for the time being in the Ludhiana, Umballa, or Jalandhar district, as the case may be.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 6th May, 1886.*

No. 635.—Surgeon-Major H. E. Busteed having resigned his appointment as Assay Master, Calcutta Mint, with the intention of retiring from the service, his services are replaced at the disposal of the Government of Madras in the Military Department, with effect from the 1st June, 1886, or such other date as he may be relieved of the duties of his appointment.

#### SEPARATE REVENUE.

##### STAMPS.

*The 5th May, 1886.*

No. 590.—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, and in supersession of Notification No. 4043, dated the 31st October, 1882, the Governor-General in Council directs that the following shall be added to Rule 10 (b) of the Rules promulgated by Notification in this Department, No. 1288, dated the 3rd March, 1882:—

"In Calcutta the Deputy Collector and the Superintendent of the Stamp Department of the Collector's Office, as well as the Collector, are empowered to initial any label or labels, and to attach their usual signatures to any instrument immediately under the labels."

#### SEPARATE REVENUE.

##### STAMPS.

NON-JUDICIAL.  
EXEMPTIONS, &c.

*The 7th May, 1886.*

No. 661.—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Commissioners for making improvements in the Port of Calcutta have paid Rs. 8,000 as composition for the stamp duty chargeable on a sum of Rs. 16,00,000 which has been raised by the said Commissioners by the issue of the undermentioned debentures bearing date the 15th February, 1886, namely—

	Rs.	Rs.
Nos. 1 to 60 at 5,000	..	3,00,000
Nos. 61 to 800 at 1,000	..	8,00,000
Nos. 801 to 1010 at 500	...	3,75,000
Nos. 1011 to 2360 at 100	...	1,25,000
Total	...	16,00,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from the payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

### SEPARATE REVENUE.

#### ASSESSED TAXES.

##### INCOME TAX.

*The 7th May, 1886.*

**No. 624.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to declare that the Provident Fund of the Bengal and North-West Railway Company shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593, dated the 5th February, 1886.

**No. 674.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to rule that the name of any person who is receiving, at the date of the return prescribed by Section 10 of the Act, a salary, annuity, or pension which does not amount to Rs. 300 per annum, or has received during the year ending on that date a gratuity which does not amount to that sum, need not be shown in the return.

### SEPARATE REVENUE.

#### ASSESSED TAXES.

*The 3rd May, 1886.*

**No. 579.**—In exercise of the power conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under that Act the whole of the income of persons residing in the scheduled districts of the Presidency of Madras and not in the service of the Government.

### SEPARATE REVENUE.

#### STAMPS.

##### NON-JUDICIAL STAMPS.

##### REMISSION, &c.

*The 7th May, 1886.*

**No. 664.**—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, the Corporation of the Town of Calcutta has paid Rs. 12,500 as composition for the stamp duty chargeable on a sum of Rs. 25,00,000 which the said Corporation was authorised to borrow and which has been raised by the issue of the undermentioned debentures dated 1st September, 1885, namely—

*Loan of 1885-86. Dated 1st September, 1885.*

Numbers.		Amount.
		Rs.
100 450	(a) 1,000 each	4,50,000
451 to 870	(a) 500 "	2,10,000
871 to 1010	(a) 5,000 "	7,00,000
1011 to 1030	(a) 10,000 "	2,00,000
1031	.....	2,000
1032 & 1033	(a) 1,000 "	2,000
1034 & 1035	(a) 500 "	1,000
Carried over	...	15,65,000

Numbers.		Amount.
		Rs.
	Brought forward ..	15,05,000
1036 to 1043	(a) 1,000 each	8,000
1044		500
1045 & 1046	(a) 1,000 "	2,000
1047		5,000
1048		1,000
1049		500
1050		7,000
1051		6,500
1052		8,000
1053		9,000
1054		3,500
1055		5,000
1056		1,000
1057		2,500
1058		7,000
1059		3,500
1060		2,000
1061		1,000
1062		2,500
1063		5,500
1064		500
1065		8,000
1066		2,000
1067		10,000
1068		500
1069		3,000
1070		2,500
1071		7,000
1072		3,000
1073		500
1074		1,000
1075		5,000
1076 to 1108	(a) 1,000 each	33,000
1109 to 1118	(a) 500 "	5,000
1119 to 1148	(a) 1,000 "	30,000
1149 to 1152	(a) 5,000 "	20,000
1153 & 1154	(a) 1,000 "	2,000
1155		500
1156 & 1157	(a) 1,000 "	2,000
1158 to 1160	(a) 500 "	1,500
1161		5,000
1162 to 1164	(a) 1,000 "	3,000
1165		500
1166		3,000
1167 to 1170	(a) 1,000 "	4,000
1171 to 1174	(a) 500 "	2,000
1175 to 1184	(a) 1,000 "	10,000
1185 to 1189	(a) 500 "	2,500
1190 to 1197	(a) 5,000 "	40,000
1198 to 1205	(a) 1,000 "	8,000
1206 to 1214	(a) 500 "	4,000
1215 to 1222	(a) 1,000 "	8,000
1223 to 1231	(a) 500 "	4,500
1232 to 1266	(a) 1,000 "	35,000
1267		500
1268 to 1619	(a) 1,000 "	3,52,000
1620 to 1802	(a) 500 "	91,500
1803 to 1809	(a) 1,000 "	7,000
1810		500
1811		1,000
1812		10,000
1813 to 1819	(a) 1,000 "	7,000
1820		500
1821		5,000
1822 & 1823	(a) 500 "	1,000
1824 & 1825	(a) 5,000 "	10,000
1826 to 1830	(a) 1,000 "	5,000
1831 to 1838	(a) 500 "	4,000
1839 to 1844	(a) 1,000 "	6,000
1845		4,000
1846		2,000
1847 to 1856	(a) 500 "	5,000
1857 to 1860	(a) 1,000 "	13,000
1870 & 1871	(a) 500 "	1,000
1872		5,000
1873 to 1876	(a) 1,000 "	4,000
1877		500
1878 to 1882	(a) 1,000 "	5,000
1883 to 1892	(a) 500 "	5,000
1893 to 1917	(a) 1,000 "	25,000
1918 to 1947	(a) 500 "	15,000
1948		1,000
1949		500
Total	...	25,00,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from the payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

D. M. BARBOUR,  
*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 7th May, 1886.*

### APPOINTMENTS.

#### BRIGADE.

**No. 280.**—In continuation of G. G. O. No. 188 of 1886, it is notified that the Governor-General in Council has been pleased to sanction the formation of a third brigade in Upper Burmah, and to appoint Colonel H. S. Anderson, Bombay S. C., to the command.

**No. 281.**—With reference to G. G. O. No. 280 of this date, Colonel H. S. Anderson, Bombay S. C., to have the temporary rank of Brigadier-General (2nd class), whilst commanding a Brigade of the Field Force in Upper Burmah.

#### No. 282.—DIVISIONAL STAFF—

Major-General W. A. Gib, C.B., Madras S. C., to command the Hyderabad Subsidiary Force, *vice* Lieutenant-General Sir H. N. D. Prendergast, K.C.B., V.C., who has vacated the appointment on promotion. Dated 20th March, 1886.

#### No. 283.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—

Colonel C. R. Matthews, Bengal S. C., Deputy Judge Advocate, to officiate as Deputy Judge Advocate General, *vice* Lieutenant-Colonel M. Clementi, officiating as Judge Advocate General. Dated 27th March, 1886.

#### No. 284.—ORDNANCE DEPARTMENT—

Lieutenant J. D. H. Waller, R.A., Assistant Superintendent of Factories, to be Commissary of Ordnance, 4th class, with effect from the 29th March, 1886, *vice* Lieutenant A. L. M. Turner, seconded.

Major T. Mayhew, R.A., officiating Assistant Superintendent of Factories, is confirmed in that appointment, with effect from the 29th March, 1886, *vice* Lieutenant J. D. H. Waller.

#### No. 285.—VOLUNTEER CORPS—

##### *Behar Light Horse.*

Captain G. Adye, 1st Cavalry, Hyderabad Contingent, to officiate as Adjutant, during the absence on furlough of Captain O'Mealy. Dated 21st April, 1886.

### FURLOUGH AND LEAVE.

**No. 286.**—Major-General Sir H. T. Macpherson, K.C.B., K.C.S.I., V.C., Bengal S. C., is permitted to proceed to England on the completion of

his tour of service on the Divisional Staff of the Army. Dated 30th October, 1885.

**No. 287.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel G. D'A. Jackson, General List, Cavalry, Executive Engineer, 2nd grade, Military Works Department, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

Deputy Surgeon-General H. W. Bellew, C.S.I., Sanitary Commissioner, Punjab, (m. c.) for six months, under Article 814, Army Regulations, India, Volume I, Part I.

Honorary-Surgeon F. W. Hall, (m. c.) for 214 days, under the regulations of 1854.

**No. 288.**—Major-General S. H. E. Chamier, R.A., Inspector General of Ordnance, Madras Circle, is granted leave in India (p. a.) for ninety-one days.

### LONDON GAZETTE.

**No. 289.**—The following extracts are published for general information:—

*"London Gazette," dated the 26th March, 1886, page 1469.*

"WAR OFFICE ;

*Full Mall, 26th March, 1886.*

### MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels:—

Arthur Robert Chapman, Bengal Staff Corps. Dated 4th January, 1886.

John Pyne Grant, Bombay Staff Corps. Dated 4th January, 1886.

Frederick Charles St. John, Madras Staff Corps. Dated 20th January, 1886.

*"London Gazette," dated the 30th March, 1886, pages 1536 and 1537.*

"WAR OFFICE ;

*Full Mall, 30th March, 1886.*

### MEMORANDA.

Brigadier-General G. S. White, C.B., V.C., to have the local rank of Major-General in Upper Burmah, whilst commanding the Force in that country. Dated 1st April, 1886.

Major and Brevet-Lieutenant-Colonel Sir J. W. Ridgeway, K.C.S.I., Her Majesty's Indian Local Forces, has been granted the local rank of Colonel in Afghanistan, whilst employed in charge of the Boundary Commission in that country. Dated 2nd March, 1885.

[This cancels that portion of G. G. O. No. 136 of 1885, which relates to Major and Brevet-Lieutenant-Colonel Joseph West Ridgeway, Bengal General List, Infantry.]

The undermentioned Conductors, Bengal Establishment, have been granted the honorary rank of Lieutenant. Dated 7th August, 1885.—

Alfred Broom Cross.

William Alexander Murison.

"London Gazette," dated the 2nd April, 1886,  
page 1595.

"INDIA OFFICE ;

and April, 1886.

The Queen has approved of the transfer of the undermentioned Officers from the Temporary Half-Pay List to the Retired List :—

Captain Alexander James Corse-Scott, of the Bengal Staff Corps. Dated 4th March, 1886.

Captain Robert Henry Forrest, of the Bengal Staff Corps. Dated 24th March, 1886.

#### PROMOTIONS.

No. 200.—The following promotions are made, subject to Her Majesty's approval :—

*To be Colonel in the Army.*

Lieutenant-Colonel Francis Beckford Middleton, Madras S. C.,—4th May, 1886.

BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Reginald Beavan,—4th May, 1886.

Major and Brevet-Lieutenant-Colonel Alliston Champion Toker,—4th May, 1886.

INDIAN ARMY.

*To be Lieutenant-Colonels.*

Major Henry Philip Kirke, General List, Infantry,—4th May, 1886.

Major Charles Walter Babington, General List, Infantry,—4th May, 1886.

No. 291.—COMMISSARIAT DEPARTMENT,  
TRANSPORT BRANCH—

Conductor James Staines to be Deputy-Assistant Commissary, with effect from the 26th February, 1886, subject to the provisions of Clause 48, India Army Circulars, 1884, for services during the late operations at Suakin.

[The part of G. G. O. No. 134 of 1886, which refers to this warrant officer, is cancelled.]

No. 292.—NATIVE ARMY—

*Bengal Sappers and Miners.*

Subadar Ali Baksh to be Subadar-Major, Jemadar Khan Muhammad Khan to be Suba-

dar, vice Subadar-Major Utter Singh, Sirdar Bahadur, invalided, with effect from the 24th February, 1886.

Havildar Shiunandan Misr to be Jemadar ;

Havildar Chauharja Bakhsh to be Jemadar ;

Havildar Mula Singh to be Jemadar ;

Havildar Dewa Singh to be Jemadar, —

with effect from the 16th December, 1885, to complete establishment.

Havildar Hira Singh to be Jemadar, vice Jemadar Khan Muhammad Khan, promoted, with effect from the 24th February, 1886.

No. 293.—ORDNANCE DEPARTMENT—

Sub-Conductor Henry Preist, on probation, is confirmed in his present grade from the 9th October, 1885.

#### MILITARY WORKS DEPARTMENT.

##### APPOINTMENTS.

No. 294.—Major T. Manderson, R.E., Superintending Engineer, Class II, sub. *pro tem.*, to officiate as Inspector General of Military Works, during the absence of Colonel G. E. L. S. Sanford, R.E., on privilege leave. Dated 24th April, 1886.

Major N. Arnott, R.E., Executive Engineer, 1st grade, to officiate as Superintending Engineer, vice Major Manderson, R.E., appointed to officiate as Inspector General of Military Works. Dated 24th April, 1886.

#### MARINE DEPARTMENT.

##### FURLOUGH AND LEAVE.

No. 22.—Mr. J. Clarke, 1st Grade Officer, Her Majesty's Indian Marine, has been granted an extension of furlough (m. c.) for six months by the Secretary of State for India.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

#### MILITARY DEPARTMENT.

##### NOTIFICATION.

Simla, the 7th May, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 10th April and the 7th May, 1886 :—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
South Staffordshire Regiment (Probationer for the Bengal Staff Corps).	Lieutenant W. G. Forbes ...	21st April, 1886	Hinedet, Burmah.	...	

##### Statement of Deposits on account of Estates between the 17th April and the 7th May, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Travers Dodgson Madden	Lieutenant-Colonel.	12th Bengal Infantry.	12th June, 1885	No will found.	Rs. A. P. 829 15 0	...	

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 1st May, 1886.*

**No. 116.**—Mr. L. Ward, Accountant, 1st grade, and Honorary Assistant Examiner of Accounts, British Burma, is permitted to resign his appointment in the Public Works Department.

*The 3rd May, 1886.*

**No. 117.**—*Erratum.*—Public Works Department Notification No. 96, dated 9th April, 1886, is cancelled.

**No. 118.**—Mr. F. N. Gutersloh is promoted from Class I, grade 3, to Class I, grade 2, of the Superior Revenue Establishment of State Railways, Locomotive Department, with effect from the 1st January, 1886.

*The 4th May, 1886.\**

**No. 119.**—Public Works Department Notification No. 114, dated 28th April, 1886, transferring Mr. A. Sprenger, Executive Engineer, 1st grade, from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma, is cancelled.

**No. 120.**—The following reversions and promotions are made in the Superior Accounts Establishment :—

Names.	From	To	With effect from
Major E. A. Trevor, R.E.	Examiner, 2nd class, sub. <i>pro tem.</i>	Examiner, 2nd class, <i>Temporary rank.</i>	1st April, 1886.
Mr. Morrison	Examiner, 3rd class, sub. <i>pro tem.</i>	Examiner, 3rd class, <i>Temporary rank.</i>	
Mr. F. G. Heaven	Deputy Examiner, 1st grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd grade, Permanent.	8th April, 1886.
Mr. E. A. Lee	Deputy Examiner, 1st grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd grade, Permanent.	
Mr. D. C. Gordon	Examiner, 2nd class, Permanent	Examiner, 1st class, <i>Temporary.</i>	10th April, 1886.
Lieutenant-Colonel J. Grierson, Bo. S. C.	Examiner, 3rd class, Permanent	Examiner, 2nd class, <i>Temporary.</i>	

*The 5th May, 1886.*

**No. 121.**—Mr. E. N. Homan, Class III, Superior Revenue Establishment of State Railways, Stores Department, is appointed Stock Verifier for State Railways, with effect from the date of his arrival at Lahore. Mr. Homan's services are placed at the disposal of the Director General of Railways.

*The 6th May, 1886.*

**No. 122.**—Mr. S. Finney, Class II, Superior Revenue Establishment of State Railways, is transferred, temporarily, from the Establishment under the control of the Director General of Railways to that under the Government of Bengal.

**No. 123.**—Mr. A. Greenless, Assistant Engineer, 1st grade, State Railways, is transferred, temporarily, from the Establishment under the control of the Government of Bengal to that under the Director General of Railways.

## TELEGRAPH.

*The 7th May, 1886.*

**No. 124.**—Mr. J. C. Kidd, Head Foreman, Telegraph Workshops, is promoted to the honorary rank of Assistant Superintendent, with effect from the 9th May, 1886.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 5th MAY, 1886.

GENERAL REMARKS.—Slight rain has fallen throughout Southern India and most parts of Bengal and British Burma. In Assam the fall has been heavy. With the exception of a few showers, Northern and Central India have been rainless.

In the Madras Presidency, with the exception of the Ganjam district, agricultural prospects continue fair. In Mysore the standing crops promise well on the whole, though rain is wanted in some parts. In Coorg prospects are good.

In Bombay the *rabi* harvest is approaching completion, and preparations for the *kharif* are in progress in that Presidency and in Berar. In Hyderabad, Central India and, with the exception of Ajmere, Rajputana agricultural prospects continue generally good.

The *rabi* harvest is still in progress in the Central Provinces and has been nearly completed in the North-Western Provinces and Oudh. Ploughing for *kharif* cultivation has commenced in some districts in the Central Provinces. In the Punjab the *rabi* harvest is in progress and promises well.

The recent rain in Bengal has been very beneficial to the crops, and the *aus* rice and jute where sown are coming up well. Sugarcane, indigo, and *chenna* are thriving. The *boro* rice harvest is proceeding, with a good outturn. Seasonable weather prevails in Assam, where ploughing and sowing are still in progress.

Seasonable weather prevails in British Burma.

The public health is generally fair.

Prices are fluctuating in the Punjab, rising in Mysore, and falling in Coorg. Elsewhere they are for the most part stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 5th)</b>		
Bellary . . . .	Average 19	Standing dry crops generally good, and wet crops in parts of one taluk generally good, but water insufficient to support them; harvest sugarcane, cotton, and white <i>chulam</i> , yield about average. Cattle-disease in three taluks.
Kurnool . . . .	Average 13	Standing second crop paddy good; harvest paddy, outturn average. Small-pox and cattle-disease in three taluks.
Ganjam . . . .	Average 17	Fever in one and small-pox and slight cattle-disease in five taluks; cholera prevailing. Average number employed on Colka canal 207.
Kistna . . . .	Nil	Fever in some taluks; cholera in all taluks but one; and cattle-disease in one village.
Chingleput (Madras) . . . .	Nil	Standing crops fair, except in parts of two taluks, where withering; harvest wet and dry grain, outturn below average. Small-pox in one and cattle-disease in three taluks.
Coimbatore . . . .	Average 23	Standing crops good; harvest paddy and <i>chulam</i> , outturn paddy generally above average and <i>chulam</i> average. Fever in one taluk, and small-pox in two villages.
Tanjore . . . .	Average 12	Standing crops good, except in one taluk, where rain is much wanted, harvest wet and dry crops, outturn below average. Cholera in one taluk.
Madura . . . .	Average 19	Harvest paddy, yield above average. Small-pox prevailing in one taluk.
Malabar . . . .	Average 17	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in nine, and cholera in two taluks.
Travancore . . . .	135	Small-pox and fever in parts.
<b>Bombay—(May 5th)</b>		
Kurrachee . . . .	Nil	River at Kotri on 3rd, 9 feet 2 inches against 11 feet on same date last year. <i>Rabi</i> harvesting continues. Fever in four and cattle-disease in two talukas. Wheat, red-rice, and <i>bajri</i> in Kurrachee 26, 30 and 34, in Tatta 26, 40 and 49, in Shahbandar 20, 42 and 44, and in Kotri 20, 38 and 38 pounds per rupee, respectively.
Hyderabad . . . .	Slight rain	<i>Rabi</i> harvest is being trodden in the Nausharo subdivision; preparations for <i>kharif</i> cultivation in progress in other subdivisions of the district. River at Kotri on 3rd, 9 feet 2 inches against 11 feet on same date last year. Fever in five and small-pox and cattle-disease in four talukas. Wheat 25, <i>juari</i> 40, <i>bajri</i> 38, white rice 19 and red rice 30 pounds per rupee. Weather cloudy.
Ahmedabad . . . .	Nil	Reaping of <i>rabi</i> crops completed. Public health good. Wheat 38 and <i>bajri</i> 32 pounds per rupee.

• Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—<i>contd.</i></b>		
Baroda	<i>Nil</i>	Public health good; small-pox and measles prevail in Niorari town; cattle-die case in Kona; taluk of Niorari district. Sowing crop in good condition. <i>Bajri</i> 29, wheat 22, and rice 17 pounds per rupee.
Surat	<i>Nil</i>	Cotton-picking completed in all talukas, save Bardoli. Slight fever and rough in Bardoli taluka. <i>Juari</i> 38 and <i>magh</i> 46 pounds per rupee.
Nasik	Sighuram V. S. Rao, Nephew, Chaudhri, and Yoda.	<i>Rabi</i> crop threshing almost completed; land being prepared for the next year's crop in Igatpuri taluka. Public health generally good. Wheat 34, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay)	<i>Nil</i>	Average abnormal temperature warm; vapour in air excessive from 23th to 2nd, afterwards normal; wind normal; distant lightning from 23th to 1st.
Poona	Rain in Kol, Purnan- dhar, then Badli, and Haveli talukas; in Poona—hot storm and rain, the rain all was about 2 in.	<i>Rabi</i> harvest almost completed. Small-pox in Sirur and Purnan- dhar talukas. <i>Bajri</i> 34 and <i>juari</i> 44, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee.
Ahmednagar	Nagpur, 22	Reaping almost completed. Public health good. <i>Bajri</i> average 45 and <i>juari</i> 60 pounds per rupee.
Sholapur	Sholapur, 30; Kan- mali, 32.	Land being prepared for <i>dhurva</i> sowing. <i>Juari</i> 57 pounds 19 tola, and <i>bajri</i> 44 pounds 32 tola per rupee.
Dharwar	Rain throughout the district; in May 2.0 in Muead, more than 1.0 in Gadh and Kod, nearly 1.0 in Kadbagh, Hed, and Nagpur, and slight in others.	Ground being prepared for early crop; harvesting of late <i>juari</i> and cotton-picking nearly completed. Scarcity of drinking- water in Nandgaon, Gadga, Karaga, and Kod. Cattle-die case in Bankapur; public health good. Rice 20 to 30 and <i>juari</i> 45 to 60 pounds per rupee.
Kanara	Siddapur, 3; S. 23; Haldh, 40; Aldapur, 7.	Sugarcane crop thriving; ploughing and manuring fields for monsoon crop. Cattle-die case in Bankat; fever and small- pox in four talukas. Common rice at Katwar 14, in district aver- age 15, per rupee. Weather cloudy and hot on coast.
Rajkot	<i>Nil</i>	Weather hot. Small-pox in Nowanagar and Lodiaka; fever and bowel complaints in some parts; public health generally good. Wheat 35, <i>bajri</i> 31, and <i>juari</i> 45 pounds per rupee. <i>General Remarks</i> —Rain in parts of Shikarpur and all districts of the Deccan and Southern Mahratta Country. Scarcity of drink- ing water in four talukas of Dharwar and one in Khandesh. Fever, small-pox, and cattle-die case in parts of nine districts; other conditions unchanged.
<b>Bengal—(May 5th)</b>		
Chittagong	1.84	Weather very hot and, in part, since when unsettled. Pros- pects of crops fair. Prices unchanged. Fever continues; pub- lic health good.
Dacca	<i>Nil</i>	Sowing of rice and <i>juar</i> going on; <i>boro</i> rice being harvested; prospects of crops good. Sporadic cholera in Manickganj.
24-Pergunnahs (Caldutt).	<i>Nil</i>	No crops on ground, except sugarcane which is doing well; lands being prepared for early and <i>aman</i> paddy. Price of common rice 14 to 16 seers per rupee. Public health generally good; sporadic cholera in thana Baraset.
Moorshedabad	Some rain	Weather satisfactory. <i>Boro</i> rice and indigo doing fairly well, but rain is wanted for the <i>am</i> and <i>am</i> ploughing for <i>am</i> crop. Pub- lic health fair, but a few cholera cases still continue. Price of rice stationary.
Rungpore	3.62	Prospects of crops favourable. Public health fair.
Burdwan	0.2	A violent shower has been of some benefit; rain still much wanted for agricultural operations. Price of rice 16 to 21 seers per rupee.
Blagapur	0.14	More rain wanted for cultivation and for early sowings. Price of rice 17 seers to chittak per rupee.
Purneah	0.62	Prospects of crops good. More rain wanted to complete sowings. Price of rice 20 seers per rupee.
Patna	<i>Nil</i>	Reaping of <i>rahur</i> almost finished; castor gathering still going on; <i>chenna</i> sowing proceeding, and sugarcane being planted; agave weevil almost nearly at an end. Public health good.
Dinblunga	0.70	Rain has greatly benefited paddy and <i>aman</i> sowings; mango crop will be almost a failure this year. Prices rising. Public health good.
Hazratnagar	0.21	Weather very hot. Harvesting of <i>malma</i> nearly completed, with good yield; mango promising fairly. A few cases of small-pox and cholera reported; public health otherwise good.
Cuttack	<i>Nil</i>	Weather hot, with high wind. Reaping of <i>dahua</i> continues; ploughing in progress. Rain wanted. Price of rice unchanged. Public health generally good; a few cases of cholera in the interior.
Midnapore	1.04	Weather stormy. <i>Boro</i> harvest completed; lands being culti- vated. Public health good.
Pubna	1.02	Rain very useful. Sowings last progressing. Cholera at head- quarters.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Khoolna . . . . .	1.23	Weather hot. <i>Boro</i> rice harvest continues, outturn good. More rain wanted for ploughing. Slight cholera and fever in Bagurhat. Public health fair.
Dumagepore . . . . .	0.19	Weather unsettled and damp, with a few showers. Land being ploughed; sowing of <i>aus</i> and jute commenced. Cholera in Tanua Rajnampore.
Gya . . . . .	A few drops of rain.	Crops in good condition. Public health good. Prices moderate, many large falling.
Cumnapuram . . . . .	0.60	Harvesting of <i>rahi</i> completed; fields being prepared for <i>bhado</i> and <i>ashani</i> crop; ratoon weighmen progressing. Prices stationary. Public health fair.
<i>General Remarks.</i> —Rain, accompanied in some places by a storm, fell in most districts during the week; rain has done much good to crops on ground, and has enabled ploughing and early sowings, but more rain still much wanted in several districts. <i>Boro</i> rice and jute where sown coming up well, and sugarcane midribs and <i>chana</i> thriving; <i>boro</i> rice harvest proceeding with good outturn. Price of rice generally stationary. Cholera prevalent in Nudda and Jessore, and in places in East Bengal; otherwise public health good.		
<b>N. W. Provinces and Oudh—(May 6th)</b>		
Banars (May 30th)	Nil	Weather moderate. The large and waving conical fields irrigated, where possible. Supplies ample. Prices stationery. Slight cholera and smallpox cases prevalent; no deaths.
Gorakhpore ( " " )	Nil	Harvesting going on; ratoon weighing in progress. Prices stationary. Health fair, some fever and dysentery.
Fyzabad ( " 4th)	Nil	Weather hot. Harvesting of <i>rahi</i> nearly half done; sugarcane being planted and irrigated. Health of men and cattle generally good.
Rae Bareilly ( " 3rd)	Nil	Weather at times cloudy, wind variable. Harvesting nearly finished. Supplies ample. Prices almost unchanged. General health good.
Lucknow ( " " )	Nil	Harvesting going on. <i>Rabi</i> crop nearly gathered; melons ripe, but not yet ready for market. Supplies ample. Markets well stocked. Prices steady. Health of people good; condition of cattle fair.
Partabgarh ( " 4th)	Nil	East and west winds; weather occasionally cloudy during the week. <i>Rabi</i> crops nearly finished; <i>grain</i> , sugarcane, and <i>maize</i> being irrigated. Smallpox reported from all the districts.
Allahabad ( " " )	Nil	Weather seasonable; hot winds blowing. <i>Rabi</i> nearly all done. Markets well stocked. Prices show a slight rise. Health good.
Cawnpore ( " 3rd)	Nil	Weather very hot and close. Harvest approaching completion. Prices steady. Condition of people and cattle generally good.
Farakhabad ( " 4th)	Nil	Fine clear continues. East wind for several days. Health of people fair.
Sitapur ( " " )	Nil	Windy middle. Harvesting going on. Prices stationary. Health good.
Bareilly ( " " )	Nil	Weather hot and hazy, with easterly winds. Sugarcane sowings and ratoon going on. Prices fairly steady. A good deal of fever in Bareilly City.
Banda ( " 3rd)	Nil	<i>Rabi</i> crops being threshed, outturn fair. Prices steady. Public health good; cattle steady in part.
Kumaon ( " 4th)	Nil	Weather fair, with occasional rain. Prices falling. <i>Rabi</i> crops being reaped. <i>Borment</i> and typhus fever in some parts; cattle-disease decreasing.
Agra ( " 3rd)	to in one pargana and slight hail-storm in two.	Harvesting nearly completed. Prices steady. Health good.
Jhansi ( " " )	Nil	Weather getting hot. New grain coming to market. Prices almost stationary. Condition of people and cattle good.
Balhar ( " 4th)	Nil	Strong westerly wind. Harvest operations nearing completion. Supplies ample. Health good.
Meerut ( " " )	Slight rain and storms	Wind variable; weather hot and close. <i>Rabi</i> harvest nearly completed. New wheat small and shrivelled, outturn very poor; barley, gram, and peas quite up to averages. Prices steady.
<i>General Remarks.</i> Weather seasonable. Harvesting almost finished. Markets well stocked. Supplies sufficient. Prices generally steady. Health of people and condition of cattle good.		
<b>Punjab—(May 5th)</b>		
Delhi (May 4th)	70.1	Health good. Prices fluctuating.
Hissar . . . . .	Nil	Health good. Prices fluctuating.
Umballa . . . . .	73.9	Health good. Prices rising. Prospects of current harvest good.
Jullundur . . . . .	78.0	Health good. Prices slightly rising. Prospects of current harvest good.
Amritsar . . . . .	Nil	Health good. Prices stationary. Prospects of current harvest good.
Sialkot . . . . .	Nil	Health good. Prices stationary.
Ferozepore . . . . .	Nil	Health good. Prices rising. Prospects of current harvest average.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—contd.</b>		
Lahore . . . .	<i>Nil</i>	Health good. Prices slightly falling.
Rawalpindi . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . . .	<i>Nil</i>	Health good. Prices falling. Prospects of current harvest good.
Mooltan . . . .	<i>Nil</i>	Health good. Prices rising.
Dera Ismail Khan . . . .	<i>Nil</i>	Prices stationary.
Peshawar . . . .	<i>Nil</i>	Health good. Prices falling.
		<i>General Remarks.</i> Rain has fallen in the Umballa and Jullundur districts. Health good. Prices of foodgrains rising in Umballa, Jullundur, and Ferozepore and falling in the Lahore, Sahiwal, and Peshawar districts, elsewhere stationary. Prospects of current harvest good; harvest in progress.
<b>Central Provinces—</b>		
(May 5th)		
Nagpur . . . .	<i>Nil</i>	Weather cloudy and close. <i>Rabi</i> threshing still continues. Fever and cattle-disease prevalent. Prices steady.
Jubbulpore . . . .	<i>Nil</i>	Weather cloudy and close. Threshing and winnowing continue. Health good. Prices steady.
Saugor (May 4th) . . . .	<i>Nil</i>	Weather hot and windy. Prospects and health good. Prices fallen.
Seoni . . . .	<i>Nil</i>	Weather hot and cloudy. Threshing and winnowing continue. Fields being prepared for <i>kharif</i> . Cattle-disease in part. Prices steady.
Hoshangabad . . . .	<i>Nil</i>	Weather hot and stormy. Winnowing of <i>rabi</i> continues. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . .	<i>Nil</i>	Weather warm and cloudy. <i>Kharif</i> preparations in progress. Health fair. Prices steady.
Raipur . . . .	<i>Nil</i>	Weather hot and stormy. Threshing nearly over. Cholera and cattle-disease continue; small-pox declining. Prices risen.
Saunbalpur (May 1st) . . . .	<i>Nil</i>	Weather cloudy and hot. Prospects good. Cholera in part. Trade brisk. Prices fallen.
		<i>General Remarks.</i> —Weather hot and cloudy, with slight storm. <i>Rabi</i> harvest still continues; <i>kharif</i> ploughings commence. Cholera in Chhindwara; fever and small-pox in places. Prices steady.
<b>British Burma—</b>		
(May 5th)		
Akyab (May 1st) . . . .	<i>Nil</i>	Public health good; cattle healthy.
Rangoon . . . .	64	Total rainfall 162. Public health good; cattle healthy.
Amherst (Moulmein) . . . .	98	Total rainfall 98. Public health good; cattle healthy.
Pegu . . . .	12	Total rainfall 67. Public health and health of cattle good.
Henzada . . . .	<i>Nil</i>	Public health and health of cattle good.
Prome . . . .	18	Total rainfall 31. Cholera in town, elsewhere public health good; cattle healthy.
Toungoo . . . .	<i>Nil</i>	Public health and health of cattle good.
Thayetmayo . . . .	44	Total rainfall 57½. Public health and health of cattle good.
		<i>General Remarks.</i> Cholera in Prome and Thongwa districts elsewhere public health good; cattle-disease in Muthawad and Amherst districts, elsewhere cattle healthy.
<b>Assam—(May 5th)</b>		
Gauhati (May 4th) . . . .	472	Weather seasonable. Cholera prevalent in several parts of district; cattle-disease still in some mouzahs. Sowing of a paddy almost finished; planting sugarcane in progress.
Sylhet . . . .	798	No change since last report.
Cachar . . . .	Weather last three days rainy, 4'33.	Ploughing for <i>aus</i> and <i>asa</i> crops continues. Common rice 2 seers per rupee. 1 death from cholera from Kangora a 2 from Sadir reported.
Dibrugarh . . . .	Weather rainy, 3'40	<i>Abudhan</i> being sown, and ploughing for <i>sali</i> continues; prospects of crops good. Cholera still prevalent in North Lakhimpur.
<b>Mysore and Coorg—</b>		
(May 5th)		
Bangalore . . . .	Slight rain has fallen throughout the State, with the exception of the Kolar district; good showers reported in parts of the Mysore and Tumkur districts.	Standing crops in good condition, except in parts of the Bangalore, Kolar, and Tumkur districts, where they are withering for want of water. Supply of water and fodder diminishing in parts of the Madan districts. Prospects of season fair. Early rain much needed in the Kadur district for the coffee plantations. Public health generally good; smallpox prevalent in parts of Bangalore, Mysore, and Tumkur districts; cattle-disease in parts of the Kolar and Shimoga districts. Prices slightly risen in districts of Bangalore, Mysore, and Shimoga.
Mysore . . . .		
Mercara . . . .	35	Prices of foodgrains slightly fallen. Prospects of season a public health good.
<b>Berar and Hyderabad—</b>		
Amraoti (May 5th) . . . .	<i>Nil</i>	Weather warm and occasionally cloudy. <i>Kharif</i> preparations continue. Wheat 22 and <i>juar</i> 26 seers per rupee.
Akola . . . .	<i>Nil</i>	Weather hot and rather cloudy. <i>Kharif</i> preparations progressing.
Hyderabad . . . .	97	Total rainfall 24. <i>Rabi</i> crops slightly damaged by hail in Amrit taluka, and mango crops in Shahabad taluka damaged by high winds. General health fair. Prices—wheat 15, common rice 11½, white <i>juar</i> 16, yellow <i>juar</i> 23½, and <i>tur</i> 15½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States—(May 5th)</b>		
Indore . . . . .	<i>Nil</i>	Weather hot and cloudy, with slight duststorms.
Morar (Gwalior) . . . . .	<i>Nil</i>	Weather stormy and cloudy.
Satna . . . . .	<i>Nil</i>	Weather seasonable. Health and prospects good.
Neemuch . . . . .	<i>Nil</i>	Weather very warm; high winds prevalent. Scarcity of water. Prices slightly rising. Health good.
Goona . . . . .	<i>Nil</i>	Weather hot. Health good.
Agar . . . . .	Slight rain	Health and prospects fair.
Schore . . . . .	<i>Nil</i>	Weather hot and cloudy. Health and opium crops good. Small-pox in some districts.
Nowgong . . . . .	<i>Nil</i>	Weather hot and cloudy, but working up for a storm. Health good. Prices falling.
Bhopawar (Manpur) . . . . .	Slight showers	Weather hot. Health good.
<b>Rajputana—(May 5th)</b>		
Abu . . . . . (May 5th)	<i>Nil</i>	Weather seasonable.
Sirohi . . . . . ( " 2nd)	<i>Nil</i>	Tanks dry; wells fair. Health good. Weather fair and hot, with occasional high winds.
Marwar . . . . . (April 30th)	06	Tanks almost half full. Health good. <i>Rabi</i> being sown gathered.
Kherwara . . . . . (May 2nd)	<i>Nil</i>	Weather partially cloudy; winds hot. Prices steady.
Pertabgarh ( " 1st)	<i>Nil</i>	Tanks and wells drying. Health good. Prices steady. Gram dealer. Weather seasonable.
Meywar . . . . . ( " " )	50	Tanks and wells drying. Wheat and opium slightly damaged. Health good. Prices steady. Weather seasonable and cloudy.
Jhallawar . . . . . (April 30th)	<i>Nil</i>	Tanks and wells low. Health very good. Prices rising. Weather cloudy.
Kotah . . . . . (May 1st)	<i>Nil</i>	Weather very hot, cloudy, and stormy. Small-pox increasing.
Harowti . . . . . ( " " )	Slight rain	Health good. Weather hot and cloudy. Tanks and wells sufficiently supplied.
Ajmere . . . . . ( " 4th)	Slight rain	Weather hot, with high winds. Health good.
Jepore . . . . . ( " " )	<i>Nil</i>	Weather cloudy and hot. Tanks and wells diminishing. Crop outturn poor. Slight fever and small-pox; 1 cholera case fatal in Ajmere.
Kerowlee . . . . . ( " 1st)	<i>Nil</i>	Harvesting completed.
Dholepore . . . . . ( " " )	<i>Nil</i>	Tanks dry; wells decreasing. <i>Kharif</i> ploughing commenced. Health good. Prices steady.
Ulwur . . . . . ( " 4th)	<i>Nil</i>	Tanks and wells dry. Health good. Prices stationary.
Bikanir . . . . . ( " 1st)	Slight rain	Crops harvested, outturn average. Wells failing. Fever in parts, otherwise health good. Prices steady.
<b>Nepal—(April 25th)</b>		
Katmandu . . . . .	1'20	Prices stationary. Weather cloudy and warmer.

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. 1 OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR FIRST 10 DAYS OF APRIL 1886.		Total mean length open.	RECEIPTS FOR FIRST 10 DAYS OF APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 10TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 10TH APRIL 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
10th April 1886	Oudh and Rohilkhand	608	1,08,115	3.96	608	2,02,431	298	1,08,115	1.07	2,02,431	298	4,336	...
17th do.	Madras	801	2,30,804	2.88	791	1,01,804	226	2,30,804	1.71	1,01,804	158	...	35,950
17th do.	South Indian	634	1,11,400	1.75	634	1,12,000	1.03	1,11,400	1.17	1,11,000	142	...	8,750
17th do.	Great Indian Peninsula	1,504	15,000,000	1,000	1,504	13,33,103	888	15,00,000	0.98	13,33,103	6.1	...	1,74,000
10th do.	Bombay, Baroda and Central India	491	4,50,022	0.91	491	4,46,886	0.75	4,50,000	0.91	4,40,286	682	...	7,600
	<b>TOTAL</b>	3,038	18,39,941	0.61	4,090	13,16,459	530	23,39,800	3.95	13,16,459	3.91	...	2,22,100
	<i>State.</i>												
24th April 1886	East Indian	1,700	15,47,081	1.00	1,711	4,59,288	0.93	15,47,081	0.77	14,59,288	0.74	...	87,790
17th April	Eastern Bengal	235	1,28,500	2.00	...	1,21,812	5.21	1,28,500	4.88	1,21,812	3.04	...	56,730
17th do.	Nalhati	27	3,137	1.0	...	3,343	1.24	3,137	79	3,343	87	100	...
17th do.	Northern Bengal	240	50,000	2.0	240	58,330	2.41	50,000	1.41	58,330	104	2,070	...
17th do.	Kaunia-Dhara	37	5,132	1.41	...	2,624	79	5,132	0.0	2,624	50	...	2,360
17th do.	Tinahat	16	91,053	2.71	...	53,937	2.0	91,053	1.71	53,937	153	...	8,010
24th do.	Patna-Gya	87	10,000	3.34	...	2,518	3.00	10,000	2.15	2,228	273	3,005	...
17th do.	Cawnpore-Achmeria	240	90,000	1.00	...	2,580	1.1	90,000	1.7	28,280	78	1,848	...
24th do.	Dildarnagar-Ghazipur	12	1,340	1.13	...	1,114	1.20	1,340	1.44	1,444	84	...	98
10th do.	Rajputana-Malwa	1,411	4,81,433	3.4	1,411	5,11,000	3.92	4,81,433	2.18	5,11,000	3.53	2,670	...
17th do.	Wardha Coal	45	18,400	4.11	47	28,910	5.70	18,400	2.00	25,010	403	7,430	...
17th do.	Nagpur and Chhattisgarh	140	78,800	5.20	...	73,057	1.04	78,800	3.17	73,557	340	...	5,250
17th do.	British Burma	254	60,800	3.50	...	0,338	2.84	60,800	2.28	62,558	100	2,052	...
24th do.	Sindh	75	13,117	1.80	...	10,100	1.30	13,117	1.14	10,407	97	...	3,000
17th do.	North-Western	1,803	10,08,074	5.03	1,803	8,10,100	4.52	10,08,074	3.75	8,10,100	340	...	2,53,530
17th do.	Amritsar-Pathankot	60	11,100	1.00	...	1,100	1.00	11,100	1.05	10,050	114	...	500
17th do.	Bareilly-Pilibhit	30	2,500	78	30	5,502	71	2,500	4.0	2,502	50	...	200
17th do.	Naravanganj-Dacca-Mymensingh	10	3,172	3.17	...	5,710	60	3,172	2.21	5,710	40	2,711	...
31d do.	Jorhat	...	(b)	...	...	(b)	...	(c) 270	12	(d) 371	12	90	...
24th do.	Cawnpore-Kalpi	...	...	...	47	3,380	81	...	...	3,380	57	3,380	...
	<b>TOTAL</b>	10,030	1,44,120	4.30	5,005	18,63,120	58	1,44,120	7.23	18,43,800	240	...	2,80,570
<b>GRAND TOTAL (GUARANTEED AND STATE)</b>			18,530	62,07,791	580	10,830	56,17,205	510	6,08,040	375	56,17,576	302	5,00,400
<b>GROSS ESTIMATED EXPENSES</b>			...	...	...	...	...	2,07,000	1.70	28,00,000	185	...	...
<b>NET RECEIPTS</b>			...	...	...	...	...	3,28,181	1.90	27,89,000	177	...	4,75,500
	<i>Associated Companies.</i>												
17th April 1886	Bengal Central	126	23,646	1.83	126	15,333	1.22	23,646	1.20	15,333	85	...	8,310
17th do.	Rohilkhand and Kumaon	67	6,407	0.7	67	10,070	1.64	6,407	62	10,070	115	4,503	...
10th do.	Assam	78	8,100	1.15	78	10,188	1.31	8,100	75	10,188	91	1,270	...
17th do.	Southern Mahatla	214	20,051	0.98	310	40,077	1.00	20,051	0.63	40,077	90	10,720	...
17th do.	Bengal and North-Western	303	41,033	1.38	303	50,471	1.67	41,033	0.88	50,471	117	8,538	...
24th do.	Tatalsur	22	11,145	5.07	22	0,058	4.73	11,145	3.73	0,058	317	...	1,100
	<b>TOTAL</b>	810	1,12,104	1.40	910	1,17,507	1.51	1,12,104	0.80	1,17,507	100	24,403	...
	<i>Native States.</i>												
10th April 1886	Bhavnagar-Gondal	63	18,000	1.00	63	31,023	1.65	18,000	1.58	31,023	116	...	6,098
10th do.	Jodhpore	64	4,800	75	64	3,740	90	4,800	48	5,740	63	923	...
31d do.	Nizam's	...	(b)	...	...	(b)	...	(c) 11,115	0.7	(d) 7,000	63	...	3,400
10th do.	Mysore	140	11,800	0.85	140	10,107	72	11,800	54	10,107	50	...	1,000
17th do.	Rajputana-Patiala	16	1,800	1.13	16	1,008	1.10	1,800	...	1,000	83	...	...
	<b>TOTAL</b>	413	57,400	1.30	413	40,700	1.20	57,400	81	57,300	75	...	11,150

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been available of as far as possible.  
(b) Return not received.

(c) Total receipts from 1st to 4th April 1886.  
(d) Total receipts from 1st to 31st April 1886.

SIMLA,

7th May, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR-GENERAL  
OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND  
REGULATIONS UNDER THE PROVISIONS OF THE ACT OF  
PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 6th May, 1886.

## PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.

His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C., R.A.

The Hon'ble C. P. Ilbert, C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

Colonel the Hon'ble W. G. Davies, C.S.I.

## INDIAN BANKRUPTCY BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India. He said:—

"Papers relating to this measure have now been before the public for the greater part of a year, and I do not propose to occupy the time of the Council by recapitulating in detail matters which have been explained in documents that have been published and circulated for general information.

"In the Statement of Objects and Reasons accompanying the draft Indian Bankruptcy Bill which the Government of India published last summer, it was remarked that the general amendment of the law of insolvency and bankruptcy in India had of late years been frequently pressed upon the attention of the Government of India.

"It was pointed out that there are at present two main bodies of insolvency law in force in British India—first, the English Statute of 1848, which, roughly speaking, constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Maulmain, Akyab and Bassein; and secondly, Chapter XX of the Civil Procedure Code, which constitutes the nearest approximation to an insolvency law for the Mufassal generally. It was added that besides these two main bodies of law there was a special insolvency law for the Punjab, and there were several special Acts passed for the relief of indebted landowners in different parts of the country.

"The Statement then referred to the steps which had been taken by Sir A. Hobhouse and others for amending Chapter XX of the Civil Procedure Code, to the general Insolvency Bill which was introduced in 1876 by Sir James Stephen, to the short amending Bill introduced by Mr. Pitt-Kennedy in 1881, and to the circumstances under which both these Bills had been dropped.

"After alluding to the special difficulties which had been experienced in working the existing insolvency law at Bombay and to the repeated requests for an amendment of the law which had reached the Government of India from that city, the Statement went on to say, in a paragraph which I will read in full,—

'9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole

law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the 35 years which have elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

"The conclusion to which the Government of India came on these premises was that the opportunity should now be taken of repealing the Indian Insolvency Act of 1848 and substituting for it a new Act which should, so far as possible, conform in general principles, in language and in arrangement to the latest English Act, but should be freely adapted in details to Indian circumstances. And the draft Bill which was circulated for opinion last summer was framed in accordance with this view.

"Two difficult questions at once suggested themselves in connection with this draft, and are discussed in the Statement of Objects and Reasons which accompanied it.

"The first question was whether the new law should be applied to the whole of British India or only to specified towns. With reference to this question my opinion was, and is, that although there is much to be said in favour of having one and only one insolvency law for the whole of India, yet the balance of advantage is in favour of leaving the Mufassal generally under the Civil Procedure Code, and of confining the operation of the new Act to those towns which are at present under the operation of the Insolvency Act, power being reserved to bring other towns within the same category. The Bill which I am asking leave to introduce will therefore have this restricted operation, but I propose to insert in it provisions which will enable the Courts to deal with up-country debtors in certain cases.

"The second question was in connection with the powers of the Governor-General in Council. The present Indian Insolvency Act is an Act of the Imperial Parliament; and as such has operation beyond the limits of British India. For instance, a vesting order made under it vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of the British dominions they may be situate or accrue. The Indian legislature cannot give its own Acts any such extensive operation, and this limitation of our powers has up to this time proved a serious stumbling-block in the way of Indian bankruptcy legislation. I think it is clear that we cannot pass a satisfactory Bankruptcy Act for India, or any part of India, without some assistance from Parliament, and the mode in which I suggested last year that that assistance should be given was by an enabling Act to be passed by Parliament at some time before our Indian measure was carried through its final stage. I sketched out and annexed to the Statement of Objects and Reasons two alternative drafts of an Act of Parliament, which were submitted to the Secretary of State for consideration by the English authorities.

"This is how the matter stood last July. It remains for me to explain what has taken place since then. I will begin with the action of the authorities in England.

"The Secretary of State has expressed his general approval of the draft Indian Bill which this Government put in circulation last year; but, with reference to our suggestions for parliamentary legislation, he has forwarded to us for our information certain correspondence which has taken place between the India Office and the Board of Trade as the department in charge of English bankruptcy administration. The Board of Trade see no objection to one of the draft Acts of Parliament which we sent home, but raise a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the British colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British empire, as is now the case under certain sections of the English Bankruptcy Act (sections 117-119) with regard to the different portions of the United Kingdom. The Board also

suggest the advisability of obtaining power to extend section 14 of the English Bankruptcy Act, with a view to enabling a Court in any part of the British empire to suspend bankruptcy or insolvency proceedings before it, if in its opinion those proceedings could be more satisfactorily conducted in another Court.

"On these points the Board of Trade have been consulting the Colonial Office, and promise a further communication when the replies from the Colonial authorities have been received.

"Now I quite agree with the Board of Trade about the expediency of giving inter-colonial and imperial effect to the bankruptcy laws of the different parts of the British empire; and if the suggestions made by this Government eventually result in legislation which will not only enable the Calcutta creditor to have his decrees enforced and the property over which he has claims to be easily realized at Singapore, Hongkong and Melbourne but will confer similar advantages on creditors in the Straits Settlements, Australia and elsewhere, we shall have fairly earned the gratitude of our colonial friends. But legislation which is to give satisfaction to all the scattered colonies and dependencies of the British empire will take time, and it is hardly fair to ask India to wait until all other parts of the empire are agreed about what they want.

"I think therefore that our best course will be to pass without further delay as good an Act for India as we can, and then to ask the Secretary of State and Parliament to pass such supplementary legislation as will suffice for Indian requirements, without prejudice to any more general enactment extending to the whole empire which it may be found expedient or practicable to pass hereafter. I have no doubt that Parliament would appreciate the reasonable character of such a request. We should, I believe, have a better chance of getting a confirming than an enabling Statute, and I think I see my way to avoiding some of the difficulties which had occurred to me last year as likely to arise out of confirmatory legislation.

"Passing now from what has been done in England to what has been done in India,—the draft Bill, with the accompanying papers, was published in the Gazette and circulated among Local Governments for opinion in the course of last June. I had hoped that the replies might be received in time to admit of my introducing the measure in the course of the last Calcutta session, but the last and most important of them did not reach me until March, and consequently I have been compelled to defer the present motion until after the return of the Council to Simla. It would be impossible to prepare a satisfactory measure on the subject of the Bill without the active co-operation of those who are conversant with the practical working of the insolvency law in the Presidency-towns, and I have to express my sincere thanks to those gentlemen who have been good enough to study the draft Bill, and to offer suggestions and criticisms on its provisions. I have found specially useful the report of Messrs. Wilson, Pigot and Trevelyan, who constituted the committee of Calcutta Judges appointed by the High Court to consider the draft, the note by Mr. Macgregor, who is the Official Assignee at Calcutta, the report of the Bombay Chamber of Commerce, and the note by Messrs. Farran and Turner, the Acting Prothonotary and the Official Assignee at Bombay.

"The Bombay Chamber of Commerce tell us that before discussing the detailed provisions of the draft they had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and secondly, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India. To the first question, we are informed, the reply was unanimously in the affirmative. 'The necessity,' says the report, 'of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation, it was the intention of the Chamber to

memorialise Government begging that action might be taken at the earliest possible opportunity.'

"The second question, they say, did not admit of so ready an answer. The difference between the causes and circumstances of English and Indian insolvencies, they remark, is so great that at first sight the mere fact of the Bill being drawn on the same lines as an English Act carries with it a presumption of possible unfitness. But a closer examination of its provisions, they go on to say, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognized as one of the best features of the present Indian insolvency law, and it is on this ground that I understand the Chamber to return an affirmative answer to the second as well as to the first of the questions which they had raised. In the revised version of the Bill it will be found that this feature of official control, to which the Bombay Chamber so justly attach importance, is a good deal more emphasized than in the draft which was circulated last year.

"It is fair to say that one of the Bombay authorities,—Mr. Hart, Chief Judge of the Bombay Court of Small Causes,—taking his stand on the differences between England and India, draws another conclusion from that arrived at by the Chamber of Commerce, and questions altogether the desirability of applying the principles of the English Bankruptcy Act to India. If the measure which I am asking leave to introduce were to apply to India generally, there would be very great force in his criticisms; but it must be borne in mind that the present measure is only intended to extend to the Presidency-towns and to a few other places where the conditions of insolvency resemble much more closely those existing in England than they do in the Mofussil.

"Among the differences between English and Indian conditions to which the Bombay Chamber direct prominent attention is the fact that imprisonment for debt has been abolished in England but not in India. Now on imprisonment for debt I have my own opinion. I believe that the system of imprisonment for debt as such (I am not speaking of cases where indebtedness involves an element of fraud) is bad for the creditor, bad for the debtor and bad for the country at large. I know that this opinion is shared by some of my colleagues, in particular by my friend Mr. Hope, who has on more than one occasion delivered his soul on this subject with much effect, and it is strongly supported by some papers which have been sent to us from Barina with reference to the present Bill. Moreover, some interesting reports on the law of foreign countries which Sir H. Maine was kind enough to have collected for me, and which were published in the *Gazette of India* last year, show that this is the view to which the legislatures of all civilized countries are tending, and at which most of them have arrived. But when Indian authorities were consulted on this subject some four or five years ago there was very great divergence of opinion about it, and a large number of persons, whose opinion, from their position, their experience and their knowledge of the country, is entitled to the greatest weight, were strongly opposed to the abolition of imprisonment for debt. In fact, it appeared that Indian opinion generally, both official and unofficial, was not yet ripe for any such change, and that, under existing circumstances, it would be useless for me or for any one else to propose any such alteration of the law affecting India generally. Whether we should not be justified in proposing legislation confined in its scope to a particular province where the balance of authoritative opinion is in favour of change, is another question into which I will not enter now.

"But, so far as the present Bill is concerned, I yield to the opinion of the Bombay Chamber, which I fear would be endorsed by Chambers of Commerce elsewhere, that it would be unadvisable as yet to deprive creditors of the power of imprisoning for debt. Accordingly the present Bill has been prepared on the assumption that imprisonment for debt is to be retained. There is no doubt some little difficulty in adapting the provisions of the English measure to a country where imprisonment for debt still remains, but the difficulty is not insuperable, and I think that it may be surmounted by means of a few adjustments and adaptations, in addition to those which appeared in last year's draft.

"Before I leave the Bombay papers I will refer to one other point which is of considerable importance in a province like Bombay, where British territory and Native States are much intermixed and interlaced. The Bombay Chamber remark that, so far as Bombay is concerned, one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Among a certain class of native traders, they say, —and that by no means the lowest, —this is a very common means of evading punishment, and, owing to the ease with which it can be accomplished, it tends greatly to encourage fraudulent bankruptcy. Once made possible, they urge, for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading will have received a death-blow which no other form of legislative enactment could administer. The Chamber frankly admit the difficulties attending their proposal; but I am not sure that they have fully realized that the suggested remedy is one which it is beyond the competency of the Indian legislature to apply. We can, by legislation in this Council, provide for the arrest of debtors about to abscond from British into Native territory, and I propose to do so by the present Bill. We cannot, by legislation in this Council, make the writs of our Bankruptcy Courts run in Native territory. If further facilities than those which now exist are to be given for executing British writs in Native territories, they must be given by means of executive arrangements carried out through the agency of the Foreign Department. The question whether such facilities could be given was a good deal discussed in the years 1867 and 1868, and was eventually decided in the negative, in accordance with the strongly expressed opinion of the Bombay Government of that day. If the present Bombay Government can see their way to meeting the objections which 18 years ago were considered fatal to the adoption of proposals similar to those now put forward, I feel sure that the Government of India will gladly co-operate in taking such action as may be practicable for preventing Native States from being converted into Alsacias for fraudulent debtors.

"I will now turn to the Calcutta criticisms. The Committee of Calcutta Judges and the Official Assignee, Mr. Macgregor, have gone through the draft Bill clause by clause, and have made some most useful suggestions, the majority of which I propose to adopt. The point to which they attach most weight is one to which I have already adverted, namely, the importance of maintaining strict official control over Indian insolvencies, and the impossibility in almost every case of administering an insolvent estate in this country through the agency of the creditors and a trustee appointed by them. To this view I fully assent. The reason why I thought that the English Bankruptcy Act of 1883 could be more easily adapted to the circumstances of this country than its predecessor was because it involves a return to the principle of official supervision. The Act bears on the face of it signs of its being a compromise between two views—the view embodied in the Act of 1869 that the administration of debtors' estates should be left as much as possible to the creditors themselves, and the view that official supervision is indispensable to prevent waste and scandal. The administration is given to a person who is called the trustee, and who is supposed to be appointed by and to act in consultation with the creditors; but he is not given nearly as free a hand as under the old Act, and every inducement is offered to employ official rather than voluntary agency, especially in the case of small estates. The draft Indian Bill which was published last year reversed the presumption underlying the English Act, and proceeded on the view that the employment of the Official Receiver (or, if we retain the existing Indian term, the Official Assignee) would be the rule, and the employment of a creditor's trustee the exception. And, after hearing the very forcible objections which have now been urged to the administration of insolvent estates in India through trustees and committees of inspection, I think it would be safe and proper to go a good deal further in the direction of official control than I had originally proposed. It appears from the Calcutta papers that, although power is given to the Court by a section of the Indian Insolvency Act to order the election of assignees by the creditors, this power has rarely, if ever, been exercised, and, as far as the Calcutta Judges can ascertain, in only one case in recent years have

creditors applied to the Court for an order under this section. In view of this evidence as to the decided preference of creditors themselves for official administration, I propose in the revised draft to incline the balance a good deal further in the official direction by omitting the machinery of committees of inspection, and by reducing to much smaller compass the parts of the Bill relating to formal meetings of creditors, and to the duties and liabilities of trustees appointed by the creditors, the assumption being that those provisions will be only of exceptional application.

"I also propose, as I have said before, to meet another Calcutta criticism by giving the Court power in certain cases of exercising jurisdiction over up-country debtors.

"I reserve for the introduction of the Bill any more detailed explanation of its provisions, and will merely add that I fully assent to what Mr. Macgregor says with regard to the propriety of safeguarding the interests of existing establishments. The only reason why clauses on this subject were not inserted in last year's draft was because I thought they would be best settled after consultation with the persons immediately affected by them.

"This then is the general character of the Bill which I propose to introduce. Having regard to the small number of insolvencies which come before the Courts of the Presidency-towns, and to the extremely petty character of the transactions out of which those insolvencies ordinarily arise, the scope of the measure will be very limited, and I have no desire that it should be extended. Personally I am disposed to agree with the opinion of the Officiating Recorder of Rangoon that if imprisonment for debt were abolished there would be very little insolvency business in India, or that at all events it would be confined to *bonâ fide* trading bankruptcies.

"But until the time is ripe for a more heroic remedy I can offer no better solution of the problem of providing an insolvency law for the centres of Indian commerce than that which is embodied in the measure which I hope shortly to lay before the Council."

The Motion was put and agreed to.

The Council adjourned to Thursday, the 13th May, 1886.

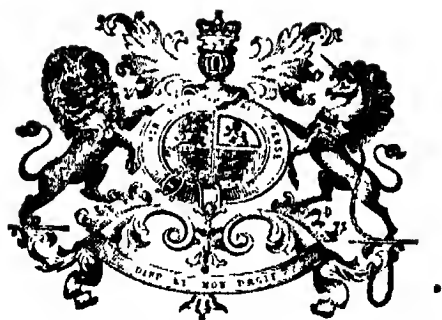
S. HARVEY JAMES,

*Offg. Secy. to the Govt. of India,*

*Legislative Department.*

SIMLA;

*The 7th May, 1886.*



# The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

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SIMLA, THURSDAY, MAY 6, 1886.

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REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.

EXHIBITIONS.

*Simla, the 6th May, 1886.*

No. 1357 Ex.

The following papers relating to the opening of the Colonial and Indian Exhibition, London, on the 4th instant, by Her Majesty the Queen-Empress, which have been received by telegraph from His Royal Highness the Prince of Wales, Executive President of the Royal Commissioners, are published for general information:—

## COLONIAL AND INDIAN EXHIBITION.

*Address by His Royal Highness, the Executive President, to Her Majesty the Queen, on the occasion of the opening of the Exhibition.*

MAY IT PLEASE YOUR MAJESTY,—As Executive President of the Royal Commissioners appointed by Your Majesty's Royal Warrant of the 18th of November, 1884, for the promotion of an Exhibition of the British Colonial and Indian Empire, and subsequently incorporated by Your Majesty's Royal Charter of the 10th September, 1885, I humbly beg leave to lay before you a brief statement of our proceedings up to the present time. The general interest manifested in the display made by Your Majesty's Colonial and Indian Empire at the Paris Exhibition of 1878 led me, as President of the British Commission, to express a hope that an opportunity might soon occur by which Your Majesty's subjects in England would be enabled to witness the marvellous development which, under your beneficent rule, their brethren and fellow-subjects had attained throughout so many portions of the globe. It was, therefore, with the highest gratification that I accepted Your Majesty's gracious invitation to assume the Executive Presidency of this Commission, the appointment of which by Your Majesty has been the means of making this hope a reality. The invitations which we were empowered by Your Majesty to issue to the Colonial Governments and to the Government of India were forwarded towards the close of the year 1884, and from the answers received it at once became apparent that this undertaking had obtained warm and hearty sympathy throughout Your Majesty's dominions. In Your Majesty's dominion of Canada, throughout your Australasian, African, West Indian, and Eastern Colonies, in your Mediterranean Possessions and elsewhere, grants were voted, Commissions formed, and Executive Commissioners appointed. That the work of preparation was undertaken with enthusiasm and attended with success, is evident from the complete and varied collections

which at present fill the buildings through which Your Majesty has just passed. The response received from the Government of India was also of the most cordial character. His Excellency the Viceroy caused, through the Revenue and Agricultural Department, instructions to be issued to every district of Your Majesty's Indian Empire for the collection of objects illustrative of the arts, manufactures, and resources of that great realm. These collections, which now adorn a large section of the Exhibition, have been supplemented by generous contributions from their Highnesses the Princes of India, by collections the formation of which we ourselves have authorised, and by the contributions of private Native exhibitors. We are desirous of bringing under Your Majesty's notice our deep appreciation of the hearty cooperation of the Colonial Governments in this Exhibition, and of taking this exceptional opportunity of stating how greatly we are indebted to the Commissions appointed by these Governments and to the Executive Commissioners on whom the superintendence of the entire work of installation has devolved. We further desire to record the valuable assistance which we have received from Your Majesty's Viceroy, from the Supreme Government of India, and from the various officials who have so ably and thoroughly carried out their instructions. Our grateful thanks are also due to the Colonial Governments, to the Government of India, to the Corporation of the City of London, to many City Companies, and to the firms and individuals who have contributed to the guarantee funds. The fact that the list of subscribers not only includes those whose interests are likely to be specially affected by the Exhibition, but also comprehends every class of the community, supplies a gratifying proof of the universal sympathy and interest which this undertaking has aroused. We venture to avail ourselves of this opportunity to convey to Your Majesty our dutiful and loyal acknowledgments of the interest which Your Majesty has been pleased to take in our labours, proved as it is by Your Majesty's presence here today; nor can I resist a reference to a similar ceremonial presided over by Your Majesty, but a few paces from this spot, thirty-five years ago. On that memorable occasion, the first of its kind, the Prince Consort, my beloved and revered father, filled the position which I, following in his footsteps at however great a distance, now have the honour and gratification of occupying. Your Majesty alone can fully realise with what deep interest my beloved father would, had he been spared, have watched, as their originator, the development of the Exhibitions both in this country and abroad, and with what especial pleasure he would have welcomed one having for its object the prosperity of Your Majesty's Empire, the interests of which he had so much at heart. In the great Exhibition of 1851 Your Majesty's Colonial and Indian Possessions were indeed represented, but their importance was then but little realised, and their present greatness was at that time unforeseen. During the years that have elapsed since 1851, few greater changes have been wrought than the marvellous development of the outlying portions of your Majesty's Empire. It is our heartfelt prayer that an undertaking intended to illustrate and to record this development may give a stimulus to the commercial interests and intercourse of all parts of Your Majesty's dominions; that it may be the means of augmenting that warm affection and brotherly sympathy which is reciprocated by all Your Majesty's subjects; and that it may still further deepen that steadfast loyalty which we, who dwell in the Mother-country, share with our kindred who have elsewhere so nobly done honour to her name.

*Reply of Her Majesty the Queen-Empress.*

I receive with the greatest satisfaction the Address which you have presented to me on the opening of this Exhibition. I have observed with a warm and increasing interest the progress of your proceedings in the execution of the duties entrusted to you by the Royal Commission, and it affords me sincere gratification to witness the successful result of your judicious and unremitting exertions in the magnificent Exhibition which has been gathered together here today. I am deeply moved by your reference to the circumstances in which the ceremony of 1851 took place, and I heartily concur in the belief you have expressed that the Prince Consort, my beloved husband, had he been spared, would have witnessed with intense interest the development of his ideas, and would, I may add, have seen with pleasure our Son taking the lead in the movement of which he was the originator. I cordially concur with you in the prayer, that this undertaking may be the means of imparting a stimulus to the commercial interests and intercourse of all parts of my dominions by encouraging the arts of peace and industry, and by strengthening the bond of union which now exists in every portion of my Empire.

ODE ON THE OPENING  
OF THE  
COLONIAL AND INDIAN EXHIBITION

BY

LORD TENNYSON, POET LAUREATE.

Welcome ! welcome ! with one voice  
In your welfare we rejoice,  
Sons and brothers that have sent  
From Isle and Cape and Continent  
Produce of your field and flood,  
Mount and mine, and primal wood,  
Works of subtle brain and hand,  
And splendours of the morning land,  
Gifts from every British zone.  
Britons hold your own !

May we find, as ages run,  
The mother featured in the son !  
And may yours for ever be  
That old strength and constancy,  
Which has made your fathers great  
In our ancient Island State,  
And where'er her flag may fly,  
Glorying between sea and sky,  
Makes the might of Britain known !  
Britons hold your own !

Britain fought her sons of yore :  
Britain failed ; and never more,  
Careless of our growing kin,  
Shall we sin our fathers' sin—  
Men, that in a narrower day,  
Unprophetic rulers they,  
Drove from out the mother's nest  
That young eagle of the West  
To forage for herself alone.  
Britons hold your own !

Sharers of our glorious past,  
Brothers, must we part at last ?  
Shall not we, through good and ill,  
Cleave to one another still ?  
Britain's myriad voices call :  
Sons, be welded each and all  
Into one Imperial whole,  
One with Britain heart and soul,  
One life, one flag, one fleet, one throne !  
Britons hold your own !

And God guard all !

*Telegram from Her Majesty the Queen-Empress, to His Excellency the Viceroy,  
dated the 5th May, 1886.*

Opening of Indian and Colonial Exhibition went off splendidly. Great enthusiasm. Delighted to see so many of my Indian subjects.

By order of the Governor-General of India in Council,

C. J. LYALL,

*Offg. Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 8, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Applications for the supply of the *Gazette* on public service should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### HIGH COURT—Original Side.

#### NOTIFICATION.

*Calcutta, the 30th April 1886.*

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Joseph B. Braman, of No. 120 Broadway, New York, Solicitor, a Commissioner, within all parts of New York, for the purpose of taking under the law in force in British India the acknowledgment of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS.

## No. 320.—Account of Revenue and Expenditure of the Government of India for the first

N.B.—Amounts are converted into

	REVENUE.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	COMPARISON OF TWO YEARS	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	12,081,918	12,181,178	99,260	...
II	Opium	9,025,500	6,483,511	6,586,889	103,378	...
III	Salt	6,100,000	4,730,924	4,594,396	...	136,528
IV	Stamps	3,633,400	2,647,126	2,673,793	26,667	...
V	Excise	4,070,000	2,952,054	3,049,190	97,136	...
VI	Provincial Rates	2,856,800	1,739,275	1,805,310	66,034	...
VII	Customs	1,175,000	624,774	735,975	111,201	...
VIII	Assessed Taxes	514,900	472,325	473,778	1,453	...
IX	Forest	1,060,100	515,255	549,419	34,164	...
X	Registration	281,800	212,316	230,081	17,765	...
XI	Tributes from Native States	601,300	274,620	278,737	4,117	...
XII	Post Office	1,101,700	776,173	834,531	58,358	...
XIII	Telegraph	510,100	326,022	406,590	80,568	...
XIV	Mint	125,000	82,012	165,266	83,254	...
XV	Law and Justice	595,300	380,836	395,407	14,631	...
XVI	Police	311,600	226,352	227,122	770	...
XVII	Marine	176,400	100,735	139,334	38,599	...
XVIII	Education	201,800	139,408	135,550	...	858
XIX	Medical	52,600	34,806	32,710	...	2,090
XX	Scientific and other Minor Departments.	80,100	55,320	45,305	...	9,815
XXI	Interest	659,400	405,771	439,175	...	26,596
XXII	Receipts in aid of Superannuation, &c.	257,700	105,966	138,107	32,231	...
XXIII	Stationery and Printing	54,100	20,165	35,078	5,613	...
XXIV	Miscellaneous	267,700	182,713	204,202	21,489	...
	<i>Productive Public Works.</i>	57,002,900	35,136,077	36,357,488	720,811	...
XXV	State Railways (Gross Earnings)	3,841,700	2,393,534	2,063,109	564,635	...
	East Indian Railway (Gross Earnings)	4,550,000	3,097,827	3,424,943	327,110	...
	Eastern Bengal Railway (Gross Earnings).	550,000	495,053	335,782	40,729	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,012,790	3,306,380	313,590	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	680,154	463,553	...	216,001
	<i>Unproductive Public Works.</i>					
XXIX	State Railways	148,400	176,083	169,452	...	6,631
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	20,336	67,329	46,993	...
XXXI	Irrigation and Navigation	1,35,400	95,064	96,249	1,185	...
XXXII	Military Works	40,800	27,164	26,517	...	947
XXXIII	Civil Buildings, Roads, and Services	474,600	343,827	328,872	...	14,955
XXXIV	Army	814,000	520,322	554,835	34,513	...
XXXV	Military Preparations in N. W. Frontier.	...	...	23,971	23,971	...
"	Military Operations in Burmah	...	...	67	67	...
	England, including Army, Public Works, &c.	71,892,500	46,304,131	48,138,607	1,834,476	...
		197,900	184,669	225,013	40,344	...
	GRAND TOTAL.	72,090,400	46,488,800	48,363,260	1,874,820	...

\* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

nine months of the year 1885-86, as compared with the corresponding period of 1884-85.

sterling at Rs 10 to the pound sterling.

	EXPENDITURE.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,824,100	2,858,883	34,783	...
2	Do. on other Obligations	411,000	200,398	110,541	...	80,857
3	Refunds and Drawbacks	221,400	141,130	168,586	27,456	...
4	Assignments and Compensations	1,248,500	504,077	607,947	12,970	...
5	Land Revenue	3,113,800	2,262,601	2,313,344	52,053	...
6	Opium (including cost of production)	2,473,700	2,007,013	2,801,982	104,060	...
7	Salt (do. do.)	402,300	336,166	329,564	...	6,002
8	Stamps	81,800	64,473	62,217	...	2,256
9	Excise	123,500	73,440	88,018	15,472	...
10	Provincial Rates	113,500	70,755	34,458	...	45,297
11	Customs	133,200	103,940	97,988	...	5,952
12	Assessed Taxes	13,400	10,416	9,711	...	705
13	Forests	775,300	416,174	432,387	16,213	...
14	Registration	181,100	132,287	138,507	6,220	...
15	Post Office	1,161,300	829,829	860,436	30,597	...
16	Telegraph	607,000	379,929	368,265	...	11,664
17	Mint	77,500	53,581	69,024	15,443	...
18	General Administration	1,335,700	985,170	1,022,340	37,164	...
19	Law and Justice	3,417,500	2,437,054	2,453,790	16,736	...
20	Police	2,855,700	2,037,664	2,068,902	31,238	...
21	Marine (including River Navigation)	305,800	242,080	250,980	8,900	...
22	Education	1,201,900	861,062	862,115	1,053	...
23	Ecclesiastical	160,700	122,591	122,461	...	130
24	Medical	760,100	531,397	531,221	...	170
25	Political	620,800	471,758	880,956	417,298	...
26	Scientific and other Minor Departments	477,900	377,745	384,913	7,168	...
27	Territorial and Political Pensions	654,000	483,370	473,574	...	9,796
28	Civil Purlough and Absentee Allowances	5,200	10,111	3,853	...	6,258
29	Superannuation Allowances and Pensions	763,400	616,589	615,211	...	1,378
30	Stationery and Printing	371,000	271,017	287,502	16,485	...
31	Miscellaneous	263,700	180,668	202,567	12,899	...
32	Famine Relief	31,000	3,802	34,242	30,350	...
33	Protective Works—Railways	500,000	654,793	...	...	654,793
34	Do. do. Irrigation	287,300	136,832	121,552	...	15,280
35	Reduction of Debt	670,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,809,019	1,651,644	...	247,375
		33,774,400	23,533,023	23,339,680	...	193,343
	<i>Productive Public Works.</i>					
36	State Railways (Working Expenses)	2,270,500	1,455,464	1,734,260	278,796	...
	East Indian Railway (Working Expenses)	1,820,500	1,391,893	1,345,182	...	40,711
	Eastern Bengal Railway (ditto)	232,500	97,522	212,102	114,580	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	475,780	475,010	...	776
38	Irrigation and Navigation (Working Expenses)	593,100	394,715	390,484	4,769	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	10,016	24,886	14,870	...
	<i>Unproductive Public Works.</i>					
40	State Railways (Capital Account)	308,000	98,371	158,360	50,989	...
41	Do. (Working & Maintenance)	110,000	120,043	98,100	...	28,444
42	Subsidized Railways	30,800	30,331	18,218	...	12,113
	Southern Mahratta Railway	80,300	138,057	58,039	...	80,018
43	Frontier Railways	160,000	1,06,67	...	...	176,897
44	Irrigation and Navigation	706,100	433,735	446,001	12,266	...
45	Military Works	1,088,300	595,862	561,935	...	33,927
46	Civil Buildings, Roads, and Services	401,000	2,420,266	2,231,751	...	188,515
47	Army	12,161,500	8,816,602	9,174,141	357,539	...
48	Military Preparations in N.-W. Frontier	...	...	1,86,821	1,86,821	...
	Military Operations in Burmah	...	...	20,760	20,760	...
		57,951,900	40,198,183	42,169,835	1,971,052	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	10,636,675	10,766,982	130,307	...
	<i>Productive Public Works—Capital Expenditure.</i>	72,306,500	50,834,858	52,036,817	2,101,959	...
50	In India—					
	State Railways	1,000,000	848,152	1,455,200	607,048	...
	East Indian Railway	340,000	241,585	236,673	...	7,912
	Eastern Bengal Railway	132,100	42,478	70,271	36,793	...
51	Irrigation and Navigation	813,700	402,395	383,081	...	18,414
	In England—					
	State Railways	862,100	548,878	(a) 1,221,087	673,100	...
	East Indian Railway	...	301,740	284,208	...	17,532
	Eastern Bengal Railway	350,000	972,680	453,370	...	519,310
	Irrigation and Navigation	6,000	3,750	5,524	1,768	...
		4,105,400	3,364,604	4,120,214	755,550	...
	GRAND TOTAL.	76,711,000	54,190,522	57,057,031	2,857,500	...

\* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

C. R. C. KUERNANDER,  
Deputy Comptroller General.

E. F. T. ATKINSON,  
Offg. Comptroller General.

(a) Including Rs 671,193 on account of Frontier Railways.

Statement of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th April 1886.

PARTICULARS.	AMOUNT PAID IN LONDON										4) PER CENT. LOANS			TRANSFER LOAN OF 1870, SEVEN SHILLINGS PER CENT. FOR MON.	PER CENT LOAN OF 1855-57	GRAND TOTAL.																																																																																																																																																																																																																																																																																																																																																																																					
	TRANS- FERRED 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57				Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-57	Of 1855-

Note.—From 25th June 1885 to 30th April 1886, the amount of interest paid in London has been re-transferred from London to India, as follows:—

18th Mar 1885 to 15th Mar	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
15th Mar 1885 to 15th Apr	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
15th Apr 1885 to 15th May	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
15th May 1885 to 30th Apr	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>Total</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>

Bala. re-against India = 500 lakhs.

PUBLIC DEBT OFFICE,  
BANK OF BENGAL;  
Calcutta, 1st May 1886.

W. D. CRICKSHANK,  
Offg. Secretary and Treasurer.

# ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The Undermentioned Candidates have passed the B. A. Examination.

*This list is arranged in Alphabetical Order.*

Abdul Aziz	...	Dacca College.	Chandra, Manmohan	...	Teacher
" Hak	...	Teacher.	Chattopadhyay, Asutosh	...	Metropolitan Institution
" Wujid	...	Dacca College.	" Asutosh	...	Free Church Institution.
Adhikari, Debicharan	...	Free Church Institution.	" Bidhabibishan	...	Metropolitan Institution.
" Hemnath	...	City College	" Bilawal	...	Hughli College
Baksi, Taraprasanna	...	Metropolitan Institution.	" Buvachandra	...	Free Church Institution.
Bandyopadhyay, Abinashchandra	...	Free Church Institution	" Chandmohan	...	Rajshahye College.
" Akhilchandra	...	Presidency College	" Hemchandra	...	Presidency College.
" Anupchandra.	...	L. M. S. College, Bhownipur.	" Jnanranjan	...	Ditto.
10 " Asutosh	...	Ditto	" Jogindranath	...	Ditto.
" Balaram	...	Metropolitan Institution	" Jogindranath	...	Hughli College.
" Banwarilal	...	Free Church Institution.	" Kalipada	...	Ditto
" Barakanta	...	Teacher	" Kedarnath	...	City College
" Buvachishna	...	Metropolitan Institution.	" Kujababari	...	Free Church Institution.
" Binodlal	...	Free Church Institution	" Mukhmalal	...	City College.
" Chandra No. 2	...	General Assembly's Institution	" Nagnendranath	...	Hughli College
" Dwabachandra	...	Free Church Institution.	" Namalal	...	Metropolitan Institution.
" Gurschandra	...	Metropolitan Institution	" Pasupati	...	Ditto.
" Jogendranath	...	Free Church Institution	" Phalaram	...	City College.
20 " Jogendranath	...	Metropolitan Institution.	" Rajanikanta	...	Teacher
" Knaprasanna	...	Ditto	" Rajendranath	...	L. M. S. College Bhownipur
" Keamath	...	L. M. S. College, Bhownipur.	" Rakkabachandra	...	Metropolitan Institution.
" Lalitmohan	...	Metropolitan Institution	" Ramnati	...	Presidency College.
" Narendranath	...	Free Church Institution	" Saratchandra	...	General Assembly's Institution.
" Nriyagopal	...	Metropolitan Institution	" Sasibhushan	...	Metropolitan Institution
" Pragnanath	...	Free Church Institution.	" Srischandra	...	Hughli College
" Radendranath	...	L. M. College, Benares	" Sukumar	...	General Assembly's Institution.
" Rakhodas	...	Teacher	" Suranath	...	Teacher
" Rashahari	...	General Assembly's Institution	" Tealokyanath	...	Metropolitan Institution.
30 Barati, Benmalihal	...	Hughli College.	Chaudhuri, Bamqada	...	Presidency College.
Barari, Ambikacharan	...	Patna College.	" Benjary	...	Metropolitan Institution.
Baruya, Debuchan	...	General Assembly's Institution.	" Debenkrishna	...	Doyton College.
" "	...	"	" Narendrakumar	...	Presidency College.
" "	...	"	" Prasannachandra	...	Metropolitan Institution.
" "	...	"	" Syamacharan	...	Ditto.
Basak, Rebaprasanna	...	Dacca College.	" Chhail, Bihari Lal	...	Canning College.
Basu, Abhaypala	...	Canning College	Das, Akshaykumar	...	Presidency College.
" Ashilchandra	...	General Assembly's Institution	" Kailashchandra	...	Free Church Institution
" Akshaykumar	...	Dacca College.	" Kalikanta	...	Metropolitan Institution.
" Bhupatnath	...	Raver Shaw College.	" Karanikumar	...	City College.
" Popubhara	...	Metropolitan Institution.	" Manmathalal	...	General Assembly's Institution.
" Biswanath	...	L. M. S. College Bhownipur	" Piyarimohan	...	Metropolitan Institution.
40 " Chandrakumar	...	Free Church Institution	" Sibirishan	...	Presidency College
" Hromdhan	...	General Assembly's Institution.	" Solaran	...	General Assembly's Institution.
" Jnanendranath	...	Free Church Institution	" Sumancharan	...	City College
" Ramchandra	...	Teacher	" Suman	...	Presidency College.
" Ramchandra	...	Free Church Institution	" Dargut, Gageschandra	...	City College
" Sureschandra	...	Doyton College	" Karanikanta	...	L. M. S. College, Bhownipur
Bhagwati Sahay	...	Metropolitan Institution	" Srethar	...	Free Church Institution
Bhagwati Chaman	...	Doyton College	Datta, Asutosh	...	Ditto
Bhanja Upendranath	...	Presidency College	" Buvachandra	...	Metropolitan College
Bhattacharyya, Anandamohan	...	Teacher	" Buvabahari	...	General Assembly's Institution
50 " Anandamohan	...	Presidency College.	" Ithramdhar	...	Free Church Institution.
" Buvachandra	...	Metropolitan Institution	" Dwarkanath	...	General Assembly's Institution.
" Durgadas	...	Teacher	" Gumbas	...	City College
" Kedarnath	...	Metropolitan Institution.	" Jnanendranarayana	...	General Assembly's Institution.
" Nibaranachandra	...	Presidency College	" Jogindralal	...	Hughli College
" Surkautba	...	Metropolitan Institution.	" Kalprasanna	...	Free Church Institution
Biswas, Gurudas	...	Dacca College.	" Kalyeswar	...	Teacher.
" Sasibhushan	...	Patna College	" Krishnakumar	...	Metropolitan Institution
Bonweeseh, G. S.	...	Doyton College.	" Kshetramohan	...	Doyton College
Borah, Satyanath	...	Metropolitan Institution	" Maridul	...	Teacher.
60 Chakrabarti, Debendranath	...	Free Church Institution.	" Nagnendranath	...	General Assembly's Institution.
" Debendranath	...	Ditto	" Prityama	...	Bethune School.
" Ramendra	...	General Assembly's Institution.	" Radhakrishna	...	General Assembly's Institution.
" Basikchandra	...	Teacher.	" Ramgolinda	...	Metropolitan Institution.
" Ratimohan	...	Presidency College.	" Suresnath	...	General Assembly's Institution.
" Syamacharan	...	General Assembly's Institution.			
" Udaynaryan	...	Teacher.			

Datta, Suryyalal	...	Free Church Institution.	Marik, Bhabataran	...	General Assembly's Institution.
De, Bazadaprasad	...	Ditto.	Mewa, Ram	...	Canning College.
.. Hemchandra	...	General Assembly's Institution.	Mirza, Wahid Ali Beg	...	Ditto.
.. Jnanendranath	...	Dorseton College.	Mitra, Aghornath	...	Metropolitan Institution.
.. Manmathanath	...	General Assembly's Institution.	.. Akshaykumar	...	Ditto.
.. Parbatieharan	...	Dacca College.	.. Dharaniswar	...	St. Xavier's College.
140 Deb, Mahendrachandra	...	City College.	.. Haridas	...	Presidency College.
Devaki, Nandan Lal Sahi	...	Benares College.	220 .. Indubhushan	...	General Assembly's Institution.
Dhar Mananohan	...	Free Church Institution.	.. Jogindranath	...	Presidency College.
Durga, Dayal	...	Canning College.	.. Kaliprasanna	...	Dacca College.
Fox, J. K.	...	Presidency College.	.. Nagendranath	...	Presidency College.
Gangopadhyay, Basantakumar	...	Dacca College.	.. Nagendranath	...	Free Church Institution.
.. Benimadhab	...	Metropolitan Institution.	.. Nibaranchandra	...	Metropolitan Institution
.. Bishunpada	...	Teacher.	.. Nirmalchandra	...	General Assembly's Institution.
.. Nabinchandra	...	Metropolitan Institution.	.. Prabodhchandra	...	Ditto.
Ghatak, Kaliprasanna	...	Rajshahye College.	.. Ramendralal	...	Presidency College.
150 Ghosh, Amulyachandra	...	Metropolitan Institution.	Muhammad, Ishfaq	...	Free Church Institution.
.. Asutosh	...	Ditto.	.. Israel	...	Presidency College.
.. Hemchandra	...	General Assembly's Institution.	.. Israel Khan	...	Ditto.
.. Jyotiprasad	...	Presidency College.	Mukhopadhyay, Bipinbikari	...	St. Xavier's College
.. Khagendranath	...	Free Church Institution.	.. Bipinchandra	...	Free Church Institution.
.. Kunjabikari	...	Metropolitan Institution.	.. Birajchandra	...	Ditto
.. Muhimachandra	...	General Assembly's Institution.	.. Charuchandra	...	Ditto.
.. Nagendranath	...	Ditto.	.. Gangacharan	...	Hughli College.
.. Narayandas	...	L. M. S. College,	.. Gaurhuri	...	Free Church Institution
.. Nareschandra	...	Bhowanipur.	.. Girindrachandra	...	Metropolitan Institution
160 .. Prachaitanya	...	Free Church Institution	.. Girindranath	...	Presidency College.
.. Rajaninath	...	Teacher.	.. Hangeswar	...	Metropolitan Institution
.. Rajendranath	...	Hughli College	.. Haripada	...	Hughli College.
.. Saratchandra	...	Free Church Institution	.. Haripada	...	Presidency College.
.. Satischandra	...	City College	.. Jogindrachandra, No. 2,	...	Metropolitan Institution
.. Siddheswar	...	Presidency College.	.. Kalidas	...	Hughli College
.. Sitalprasad	...	Hughli College	.. Kalkanda	...	Presidency College.
.. Surendrachandra	...	Presidency College	.. Kaliprasanna	...	General Assembly's Institution.
.. Surendranath	...	Ditto	.. Kedareswar	...	Metropolitan Institution
Ghoshal, Hemendranath	...	Metropolitan Institution.	.. Kshitibhushan	...	Krishnagar College.
170 Godfrey, L. E.	...	Ditto	.. Lal Mohan	...	City College.
Gopal Ganesh Ranade	...	Dorseton College	.. Mahendranath	...	Ditto.
Goswami, Kunjabikari	...	Canning College.	.. Rajendranath	...	Hughli College
.. Sasibhushan	...	Free Church Institution	.. Ramchandra	...	Metropolitan Institution.
Guha, Jogendranath	...	Rajshahye College.	.. Santichandra	...	Presidency College
.. Kedarnath	...	General Assembly's Institution.	.. Sasibhushan	...	City College
.. Maheschandra	...	Metropolitan Institution.	.. Surechandra	...	Free Church Institution
.. Mohimchandra	...	Rajshahye College.	.. Surlendra	...	Teacher
Gupta, Anilchandra	...	Muir Central College	.. Taraprasanna	...	Metropolitan Institution
.. Asutosh	...	Teacher.	Munshi, Dakshinacharan	...	Rajshahye College.
180 .. Baradacharan	...	Free Church Institution	Murphy, E. A. B. E.	...	Mussorie School.
.. Charuchandra	...	Presidency College.	260 Mustafi, Manmatha	...	Metropolitan Institution
.. Gurulal	...	Metropolitan Institution	Nag, Jyotindranohan	...	Ditto.
.. Rasiklal	...	Teacher.	Nandi, Rajaninath	...	General Assembly's Institution.
.. Sihannath	...	Metropolitan Institution.	.. Niyogi, Manmohan	...	Ditto.
Hajra, Phakirdas	...	Ditto.	.. Nowmth Lal	...	Patna College.
Haldar, S.	...	Ditto.	.. Owen, M.	...	St. Xavier's College.
Har Saran	...	St. Xavier's College.	.. Pal, Lakshminarayan	...	City College.
Hemayat Uddin	...	Agra College.	.. Saradaprasanna	...	Metropolitan Institution.
Htoon Chan	...	Dacca College	.. Palit, Kalicharan	...	General Assembly's Institution.
190 Kalka Singh	...	St. Xavier's College	.. Parnachandra	...	Ravenshaw College.
Kar, Binodmukanta	...	Canning College	270 Raghupershad	...	Canning College.
Kastagiri, Jogindralal	...	Dacca College.	Rai, Prithwi Nath	...	Muir Central College.
Keshav Vinayak Joshi	...	Metropolitan Institution	.. Ramprada	...	Canning College.
Krishnaji Hari Doley	...	Metropolitan Institution	.. Ray, Chandrasekhar	...	General Assembly's Institution.
Kundu, Anandachandra	...	Canning College.	.. Gopalchandra	...	Free Church Institution.
Lala, Harbandhan Lal	...	Ditto	.. Kulachandra	...	Metropolitan Institution
.. K. Jind Prasada	...	Free Church Institution.	.. Lalit Mohan	...	General Assembly's Institution.
.. Sivanandan Prasada	...	Benares College	.. Nripendrachandra	...	Metropolitan Institution
Linton, C. H.	...	Ditto.	.. Priyanath	...	City College.
200 Mahendrakisor	...	Ditto	.. Purnachandra	...	General Assembly's Institution.
Mahmud	...	Teacher.	280 .. Situnath	...	Free Church Institution.
Maitra, Girindrachandra	...	Patna College.	.. Surendranath	...	Ditto.
.. Mukundamohan	...	Presidency College.	.. Raychandhan Paresnath	...	Ditto.
Majumdar, Charuchandra	...	Free Church Institution.	.. Smlajaprasad	...	Patna College.
.. Indrabhushan	...	Presidency College	.. Sanyal Banuchandra	...	Metropolitan Institution
.. Indubhushan	...	Hughli College.	.. Sarbadhikari Suresprasad	...	Metropolitan Institution
.. Mahananda	...	Metropolitan Institution.	.. Sarkar Baradnkumta	...	General Assembly's Institution.
.. Prasannakumar	...	Presidency College.	.. Bhadataran	...	Free Church Institution
200 .. Rusbikari	...	General Assembly's Institution.	.. Chintamoni	...	Metropolitan Institution.
.. Umeshchandra	...	Metropolitan Institution.			
Mallik, Kalidas	...	Free Church Institution			
Mandal, Ramkrishna	...	Ditto.			
	...	Presidency College.			
	...	City College			

Sarkar Kalipada	...	General Assembly's Institution.		Sinha, Kedarnath	...	General Assembly's Institution.	
" Purnachandra	...	Metropolitan Institution.	310	" Madhusudan	...	Free Church Institution.	
Sen, Asutosh	...	Free Church Institution.		" Ramlal	...	Patna College.	
" Bhupendranath	...	General Assembly's Institution.		" Satischandra	...	Free Church Institution.	
" Bipinchandra	...	Metropolitan Institution.		" Shamsheerbaladur	...	L. M. College Benares.	
" Dakshinayanjan	...	Ditto.		" Surendranath	...	Presidency College.	
" Dinabandhu	...	St. Xavier's College.		Som, Baikunthnath	...	City College.	
" Dinunath	...	Hughli College.		" Gopalchandra	...	Hughli College.	
" Jyotirnathchandra	...	Doverton College.		Sundar, Das Suri	...	Teacher.	
" Mathuranath	...	Metropolitan Institution.		Snr, Bihari Lal	...	Ditto.	
" Pharihbhusan	...	General Assembly's Institution.	320	" Susibhushan	...	Free Church Institution.	
" Saratchandra No. 2	...	Metropolitan Institution.		Surya Prasad	...	Patna College.	
" Saratchandra	...	Benares College.		Syed Mahomed Ali	...	M. A. O. College, Aligarh.	
" Sasikumar	...	General Assembly's Institution.		Syed Nazir Hassan	...	Free Church Institution.	
" Surendrachandra	...	Doverton College.		Talukdar Harendrachandra	...	General Assembly's Institution.	
" Taraprasad	...	Dacca College.		Thakur Dayal	...	Patna College.	
Sengupta Ambikaprasad	...	General Assembly's Institution.		Thakur Kesabadasa	...	Muir Central College.	
Sil, Maniklal	...	Free Church Institution		" Narendranath	...	General Assembly's Institution.	
" Ramkrishday	...	Ditto.	330	Ukil, Symnacharan	...	Free Church Institution.	
Sinha, Bankulhari	...	St. Xavier's College.	331	Venit, H. C.	...	Benares College.	
				Wilayat Husain	...	M. A. O. College, Aligarh.	
				Yawar Hosain Khan	...	Patna College.	
				Zahurul Husen	...	Teacher.	

The undermentioned candidates have taken Honours in the B. A. Examination :—

*These Lists are arranged in Order of Merit.*

(C) indicates 1st division in	Chemistry and Physics.	(c) indicates 2nd division in	Chemistry and Physics.
(E) ...	English.	(e) ...	English.
(L) ...	Latin.	(l) ...	Latin.
(M) ...	Mathematics.	(m) ...	Mathematics.
(P) ...	Persian.	(p) ...	Persian.
(Ph) ...	Mental and Moral Science.	(ph) ...	Mental and Moral Science.
(S) ...	Sanskrit.	(s) ...	Sanskrit.

#### ENGLISH.

##### FIRST DIVISION.

1 Bhattacharya, Janakinath. (S) (ph) ...	City College.	13 Bandyopadhyay, Chandrabhushan ...	Metropolitan Institution.
2 Mukhopadhyay, Durgadas. (Ph) ...	Free Church Institution.	11 { Majumdar, Surendranath ...	St. Xavier's College,
3 Wheeler, E. M. (L) ...	Presidency College.	16 { Sen, Jagadishchandra ...	Dacca College
4 Das, Joginathanath ...	Ditto.	17 { Ramachandria ...	Muir Central College.
5 { Das, Nibarnuchandra. (Ph) ...	City College.	17 { Dover, W. C. ...	St. Xavier's College.
6 { Fernando, M. J. ...	Free Church Institution.	18 { Chattopadhyay, Kshirodchandra. (ph) ...	Presidency College.
7 Ahmad ...	Presidency College.	18 { Guha, Unmeschandra ...	Dacca College.
8 Guha, Taraprasanna ...	Ditto.	20 { Ghosh, Atulkrishna ...	Muir Central College
9 Dutta, Manmathanath ...	Metropolitan Institution.	20 { Sarkar, Rajmukanta ...	Free Church Institution.
10 Kastagiri, Suradacharan ...	Ditto.	22 { Ahaur Rahim ...	Presidency College.
11 { Abdus Samad ...	Free Church Institution.	22 { Ghosh, Saratchandra ...	Dacca College.
11 { Chattopadhyay, Nalinranjan ...	Presidency College.	24 De, Manmathanath ...	Patna College.

##### SECOND DIVISION.

25 Azmat Ali Firoz ...	Muir Central College.	43 { Ghosh, Ambukacharan ...	Dacca College.
26 De, Ramnath. (Ph) ...	Presidency College.	43 { " Symnacharan ...	Patna College.
27 { Das, Bipinbhar (s) ...	Ditto.	43 { Gokulprasad (s) ...	Muir Central College
27 { Mukhopadhyay, Saratchandra ...	Benares College.	43 { Zahurul Haq ...	Dacca College.
29 Ghosh, Surendranath ...	Dacca College.	47 Gasta, Bhubannuohan ...	Metropolitan Institution
30 Chakrabarti, Phatikchandra ...	Krishnagar College.	48 Bardolan, Gopunath ...	General Assembly's Institution.
31 Dasgupta, Mathuranath ...	Patna College.	49 Dikshita, Ambikaprasad ...	Canning College.
32 Ray, Kalicharan ...	Free Church Institution.	50 Gupta, Sukhamay ...	Free Church Institution.
33 Bhaduri, Nabakrishna ...	Metropolitan Institution.	51 Bandyopadhyay, Purnachandra. ...	General Assembly's Institution.
34 Sen, Debendranath ...	Teacher.	52 Chattopadhyay, Haraprasad ...	Free Church Institution.
35 Muhammad Husain Azmi ...	Muir Central College.	53 Gupta, Kamomohan ...	Ditto.
36 Shibbon Lal ...	Agra College.	54 Mura, Hemchandra ...	Patna College
37 Abdul Karim ...	Presidency College.	55 Ray, Saratchandra ...	Presidency College.
38 Yugala Kishora ...	L. M. College, Benares.	56 Kanhaiya Lal Dave. (s) ...	Muir Central College.
39 Abdus Samad. (p) ...	Patna College.	57 Gangopadhyay, Bhupalchandra. (s) ...	Presidency College.
40 Basu, Haridas ...	Metropolitan Institution.	58 Sarma's was, Ramankrishna ...	Dacca College
41 Dasgupta, Prasannakumar. (s) ...	Dacca College.		
42 Gouri Sankar. (c) ...	Muir Central College		

## MENTAL AND MORAL SCIENCE.

## FIRST DIVISION.

1 Majumdar, Syamaprasanna	Presidency College.	7 Bandyopadhyay, Apurba-	
2 Raychaudhuri, Purna-		kumar	St. Xavier's College.
chandra	...	8 Miron, Basambad	City College.
3 Ghosh, Atulbihari	...	Chattoadhyay, Charu-	
4 Basu, Satyananda	...	chandra	Free Church Institution.
5 De, Ramanath (c)	...	Das, Nibmanchandra (k)	City College.
6 Mukhopadhyay, Durga	...	11 Bandyopadhyay, Jagada-	
das. (E)	Free Church Institution.	nanda	Metropolitan Institution.
		12 Kunjbhara Seth	Canning College.

## SECOND DIVISION.

13 Trimuckanant Sethey. (s)	Agra College.	18 Dipehand	...	Agra College.
14 Bhattacharyya, Janaki-		19 Das, Kamulal	...	Banars College.
nath. (E) (S)	City College.	20 Jagatbehari Makar	...	Agra College.
15 Nand Kishore Lall	Presidency College	21 Halhar, Hiralal	...	General Assembly's Insti-
16 Mukhopadhyay, Kalisan-				tution.
kar	...	22 Sen, Upendranath	...	Canning College.
17 Chattoadhyay, Kshirod-	...	23 Rajaram	...	Ditto.
chandra (E)	Ditto.			

## SANSKRIT.

## FIRST DIVISION.

1 Bhattacharyya, Janaki-		2 Chakrabarti, Satalchan-	
nath. (E) (ph)	City College	dra	City College.

## SECOND DIVISION.

3 Basu, Nityakrishna	Metropolitan Institution.	11 Gangopadhyay, Bhupal-	
4 Sen, Kamna	Bethune Female School.	chandra. (c)	Presidency College
5 { Trimuckanant Sethey. (ph)	Agra College.	12 Das, Umakanta	City College.
Vinayak Rao Yadeo		13 De, Puruchandra	Metropolitan Institution.
Bispe	Muir Central College	14 Dasgupta, Prasannaku-	
7 Bandyopadhyay, Sasa-		mar. (c)	Dacca College.
chur	Presidency College	15 Bandyopadhyay, Prabha-	
8 Das, Bipinbihari. (c)	Ditto	churan	Metropolitan Institution
9 Kanhaiya Lal Dave. (c)	Muir Central College	16 Gokulprasad. (c)	Muir Central College.
10 Mukhopadhyay, Giris-		17 Bhattacharyya, Syama-	
chandra	Hughli College	churan	Metropolitan Institution.
		18 Gangopadhyay, Pratap-	
		chandra	Dacca College.

## PERSIAN.

## FIRST DIVISION.

1 Zakhadur Rahim	...	Dacca College	3 Haliz Ibadullah	...	Agra College.
2 Muhaunk Husain	...	Muir Central College.			

## SECOND DIVISION.

4 Abdus Samad. (c)	Patna College.	5 Muhammad Habibullah	Patna College.
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## LATIN.

## FIRST DIVISION

1 Wheeler, E. M. (I)	...	...	...	Presidency College
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## SECOND DIVISION

2 Billing, W	...	...	Teacher.
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## HISTORY

## FIRST DIVISION

1 Mukhopadhyay, Satyachandra	...	City College.
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## SECOND DIVISION.

2 Sen, Bhaminiranjan...	City College	4 Bandyopadhyay, Ramkrishna	City College.
3 .. Kedarnath	Metropolitan Institution		

## MATHEMATICS

## FIRST DIVISION.

1 Basu, Abinashchandra	Presidency College.	3 Mitra, Srischandra. (c)	Presidency College.
2 Bandyopadhyay, Kshetra-	Metropolitan Institution.		
mohan			

4	Haldar, Piyarilal. (c) ...	Presidency College.	12	Kundu, Radhagobinda ...	Hughli College.
	{ Basak, Rajkisor	Ditto.	13	Datta, Radhakanta ...	Patna College.
	{ Das, Gobindachandra,		14	Bhattacharyya, Sarada-	
5	{ No. 1. (c) ...	Dacca College.		mohan ...	Dacca College.
	{ Mukhopadhyay, Abinas-		15	Ray, Kalikumar ...	Patna College.
	{ chandra ...	Presidency College.	16	Kshatriya, Debdayal ...	L. M. College, Benares.
8	Chaudhuri, Jnanendra-		17	Ghosh, Surendrakumar ..	Hughli College.
	nath. (c) ...	Ditto.	18	Datta, Satyakeshna ..	Presidency College.
9	Dhar, Mohummohan ...	Metropolitan Institution.	19	Narayan Moreswar Sane.	Muir Central College.
10	{ Bhattacharyya, Kulipada	Presidency College.			
	{ Chaturvedi, Badrinath ...	Muir Central College.			

First Division.

1 Trivedi, Ramendrasundar Presidency College. 2 Das, Gobindachandran.  
No. 1. (m) ... Dacca College.

3	{	Haldar, Piyaṛāl. (m)	Presidency College.	8	Saha, Gangadas	...	Presidency College.
		Mitra, Sriselindra. (M)	Ditto.	9	Kastagiri, Dhendralal	...	Ditto.
5		Sinha, Sureschandra	Ditto.	10	Gouri Sankar. (c)	...	Muir Central College.
6	{	Chaudhuri, Juauendra-					
		nath. (m)	Ditto.				
		Sarkar, Annadaprasad	Ditto.				

W. GRIFFITHS.

*Registrar.*

LIABILITIES.				ASSETS.			
	Rs.	a.	p.		Rs.	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	60,54,775	2	0
Reserve Fund	41,50,984	15	0	Other authorized Investments	46,00,140	0	0
Public Deposits at Head Office	84,02,557	0	5	Loans on Government and other authorized Securities	1,03,21,390	5	1
Public Deposits at Branches	1,33,33,955	14	3	Accounts of Credit on Government and other authorized Securities	82,30,150	12	9
Other Deposits at Head Office and Branches	4,97,46,568	5	0	Bills discounted and purchased	2,51,73,331	1	4
Bank Post Bills, &c.	3,22,801	7	3	Balances with other Banks	7,13,557	0	7
Sundries	17,98,193	14	8	Bullion	2,010	10	0
				Dead Stock	14,37,031	3	7
				Stamps	50,0	0	0
				Sundries	6,51,033	14	0
					5,71,00,131	4	0
				Cash and Currency Notes at Head Office	70,00,000	0	5
				Cash and Currency Notes at Branches	1,36,53,720	9	8
<b>RUPEES</b>	<b>7,77,50,121</b>	<b>14</b>	<b>7</b>	<b>RUPEES</b>	<b>7,77,50,921</b>	<b>14</b>	<b>7</b>

By Order of the Directors,  
W. D. CRUP KSHANK,  
*Off. Secretary & Treasurer.*

## SURVEY OF INDIA DEPARTMENT.

*Maps of the Survey of India Department, published at the Survey of India Offices, Calcutta and Dehra Dun, for the quarter ending 31st March 1886.*

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Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.
			Uncolored.	Colored.	
			R	a.	
GENERAL MAPS.					
Map of India illustrating distribution of the principal religions. Compiled from Census of 1881 by Major C. Strahan, R.E.	1"= 80 M.	34"×35"			January 1886.
Skeleton Map of India	1"= 32 M.	40"×27" each section, in 6 sections.	6	0	January 1886.
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Map of Berar or the Hyderabad Assigned Districts	1"= 8 M.	40"×27"	2	8	November 1885.
General Map of Port Blair Settlement, containing sheets Nos. 12, 13, 14, and 15. South Andaman	2"= 1 M.	40"×25"	1	0	February 1886
Map of the Central India Agency	1"= 16 M.	40"×27" each section, in 2 sections.	3	0	January 1886.
Map of the countries on either side of the North-West Frontier of India	1"= 32 M.	40"×27" each section, in 2 sections.	Not priced.		October 1885.
DISTRICT MAPS.					
Map of District Phibbet, comprising Pargana Patanpur of Zillah Shahjahanpur, and Parganas Jahanabad, Phibbet and Bisalpur of Zillah Bareilly	1"= 2 M.	40"×22" each section, in 2 sections.	2	0	January 1886.
PLANS OF CANTONMENTS AND CITIES.					
Map of the City of Mysore and Environs	12"= 1 M.	Each sheet, 40"×25" in 6 sections.	5	0	March 1886.
ATLAS SHEETS.					
Sheet No. 13 S.E. Parts of Districts Sorath, Barda, Kattywar, Baroda Native States (Kattywar, Bombay Presidency)	1"= 4 M.	26"×17"	0	12	September 1885.
Sheet No. 47 S.W. Parts of Districts Ludhicanah, Jalindhar, Hashiarpur, Kangra and Umballa, District Simla and protected States of Kailur and Sukat (Punjab)	1"= 4 M.	26"×17"	0	12	March 1886.
Sheet No. 48 S.E. Parts of Districts Dehra Dun, British Garwal, Saharanpur, Mozuffernagar and Benor (N.W.P.), and Karnal and Umballa (Punjab)	1"= 4 M.	27"×20"	0	12	June 1885.
NORTH-EAST FRONTIER SURVEY.					
Sheet No. 7. Part of South Sylhet	2"= 1 M.	40"×25"	...	...	January 1886.
Sheet No. 10. Part of South Sylhet	2"= 1 M.	40"×25"	...	...	January 1886.
Sheet No. 11. Part of South Sylhet	2"= 1 M.	40"×25"	...	...	January 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—continued.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.				Date of Publication.
			Uncolored.		Colored.		
STANDARD SHEETS.							
ANDAMAN SURVEY.							
Sheet No. 8 South and Middle Andamans	1"=2 M.	40"×25"	1	0	1	4	January 1886.
Sheets Nos. 12 & 10 South Andaman	4"=1 M.	40"×25"	1	0	1	4	January 1886.
Sheet No. 13, South Andaman	4"=1 M.	40"×25"	1	0	1	4	January 1886.
Sheet No. 14, South Andaman	4"=1 M.	40"×25"	1	0	1	4	January 1886.
Sheet No. 15, South Andaman	4"=1 M.	40"×25"	1	0	1	4	January 1886.
BENGAL SURVEY.							
Sheet No. 112, District Mozufferpore	1"=1 M.	40"×27"	1	8	1	12	January 1886.
Sheet No. 113, District Mozufferpore	1"=1 M.	40"×27"	1	8	1	12	January 1886.
Sheet No. 143, Districts Mozufferpore and Durbunga	1"=1 M.	40"×27"	1	8	1	12	January 1886.
Sheet No. 144, Districts Mozufferpore and Durbunga	1"=1 M.	40"×27"	1	8	1	12	January 1886.
Sheet No. 173, District Durbunga	1"=1 M.	40"×27"	1	8	1	12	February 1886.
Sheet No. 200, District Durbunga	1"=1 M.	40"×27"	1	8	1	12	February 1886.
BURMAH SURVEY.							
Sheet No. 95 N. E. Preliminary Edition, District Tharawaddy	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 95 N. W. Preliminary Edition, District Tharawaddy	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 95 S. E. Preliminary Edition, District Tharawaddy	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 95 S. W. Preliminary Edition, District Tharawaddy	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 96 N. E. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	February 1886.
Sheet No. 96 S. E. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	February 1886.
Sheet No. 97 N. E. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 98 S. E. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	November 1885.
Sheet No. 112 N. W. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	February 1886.
Sheet No. 112 S. W. Preliminary Edition, District Hanthawaddy	2"=1 M.	40"×25"	1	0	1	4	February 1886.
Sheet No. 114 N. E. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 114 N. W. Preliminary Edition, Districts Hanthawaddy and Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 114 S. E. Preliminary Edition, Districts Hanthawaddy and Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 114 S. W. Preliminary Edition, Districts Hanthawaddy and Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 127 N. E. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 127 N. W. Preliminary Edition, District Pegu	4"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 127 S. W. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	March 1886.
Sheet No. 128 N. E. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 128 S. E. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 128 N. W. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
Sheet No. 128 S. W. Preliminary Edition, District Pegu	2"=1 M.	40"×25"	1	0	1	4	December 1885.
BOMBAY.							
KONKAN SURVEY							
Sheet No. 70 N. W.—1, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—2, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—3, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—4, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 70, District Thana	1"=1 M.	40"×25"	1	8	1	12	December 1885.
Sheet No. 80 S. W.—1, District Thana	4"=1 M.	40"×25"	2	0	2	4	October 1885.
Sheet No. 80 S. W.—2, District Thana	4"=1 M.	40"×25"	2	0	2	4	December 1885.
Sheet No. 80 S. W.—3, District Thana	4"=1 M.	40"×25"	2	0	2	4	December 1885.
Sheet No. 80 S. W.—4, District Thana	4"=1 M.	40"×25"	2	0	2	4	December 1885.
Sheet No. 81 N. E.—1, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—2, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—3, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—4, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 81 S. W.—2, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 81 S. W.—4, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.
Sheet No. 82 S. E.—1, District Thana	4"=1 M.	40"×25"	2	0	2	4	December 1885.
Sheet No. 82 S. E.—2, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1885.
Sheet No. 82 S. E.—3, District Thana	4"=1 M.	40"×25"	2	0	2	4	December 1885.
Sheet No. 82 S. E.—4, District Thana	4"=1 M.	40"×25"	2	0	2	4	January 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—continued.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.
			Uncolored.	Colored.	
			R a.	R a.	
STANDARD SHEETS— <i>contd.</i>					
GUJRAT SURVEY.					
Sheet No. 40. Parts of the Khandesh and Nasik Collectorate, of the Dang States, of the Khandesh Agency, of the Garkwar's Territory, and the Borsda States.	1" = 1 M.	40" × 27"	1 12	2 0	February 1885.
Sheet No. 41 N.W.—2. Parts of the Godhra Taluka of the Panch Mahals Collectorate and of the Rewah Kantha States.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—1. Part of the Godhra Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—2. Part of the Godhra Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—3. Part of the Godhra Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 N.W.—1. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate.	4" = 1 M.	44" × 25"	1 12	2 0	March 1886.
Sheet No. 42 N.W.—2. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 42 N.W.—4. Part of the Kalol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—1. Part of Kalol and Halol Talukas of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 42 S.W.—2. Part of the Kalol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 N.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 S.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 S.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 1. Part of the Kalvan Taluka of the Nasik Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 3. Part of the Kalvan Taluka of the Nasik Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Section 5 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States, and of the Don Jaghir of the Khandesh Agency.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 50. Section No. 7 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Section No. 9 (Dang Forests). Parts of the Dang Vasurua States, and of the Kalvan Taluka of the Nasik Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 50. Section No. 10 (Dang Forests). Parts of the Dang, Amala and Dang Vasurua States, of the Kalvan Taluka, of the Nasik Collectorate.	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
CUTCH.					
CUTCH TOPOGRAPHICAL SURVEY.—					
Sheet No. 26	1" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 27	1" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 28	1" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 29	1" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Reduction of Sheets Nos. 17, 18, 24, and 25.	1" = 2 M.	40" × 25"	1 12	2 0	February 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—concluded.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.
			Uncolored.	Colored.	
			R a.	R a.	
MYSORE.					
MYSORE TOPOGRAPHICAL SURVEY,—					
Sheet No. 3. Part of District Shimoga	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
Sheet No. 22. Parts of District Kadur	1"= 1 M.	40"×25"	1 0	1 4	February 1886.
Sheet No. 24. Parts of Districts Kadur and Shimoga	1"= 1 M.	40"×25"	1 0	1 4	February 1886.
Sheet No. 51. Parts of Districts Kadur and Mysore	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
Sheet No. 52. Part of District Mysore	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
Sheet No. 53. Part of District Mysore	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
Sheet No. 59. Part of Districts Mysore and Bangalore	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
Sheet No. 64. Part of District Bangalore	1"= 1 M.	40"×25"	1 0	1 4	January 1886.
PUNJAB,—					
Kohat Topographical Survey, Sheet No. 7. Part of Bangash and Tari Khattak	1"= 1 M.	40"×25"	1 0	1 4	March 1886.
TECHNICAL CHARTS.					
Preliminary Chart of the East Coast, Secondary Series, from Pooree Southwards, with pamphlet giving a description of the Stations	1"= 2 M.	42"×28" each in two sheets.	..	2 0	September 1885.
Supplementary Chart of the Secondary Coast Series shewing positions of Beacons erected on the coast, with pamphlet giving a description of the Stations	1"= 2 M.	42"×28" each in two sheets.	...	1 0	March 1885.
Revised Preliminary Chart of Secondary Triangulation executed by the Burmah Party Series, Thayet Mayo via Prome, Myanong and Bassein towards Cape Negrais	1"= 4 M.	42"×28"	Not priced.		July 1885.
INDEX MAPS.					
Index to Assam Cadastral Survey of District Kamrup	..	17"×13"	0 4	0 4	November 1885.
Index to the Garo, Khasi, and Naga Hills and N. E. Frontier Survey	...	14"×9"	0 4	0 4	February 1886.
Index to the Sheets of the Andaman Topographical Survey	...	17"×13"	0 4	0 4	February 1886.
Index to the British Burma Survey	...	14"×9"	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of Districts Hanthawaddy, Pegu, Shwebo-Gyin and Tangua	...	14"×8"	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of Districts Bassein and Henzada	..	14"×8"	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of District Akyab	...	17"×13"	0 4	0 4	February 1886.
Index to the Central Provinces Cadastral Survey of District Shambulpur	...	17"×13"	0 4	0 4	November 1885.
Index to the Cutch Topographical Survey	..	14"×8"	0 4	0 4	February 1886.
Index to the Gujrat Survey	...	14"×9"	0 4	0 4	March 1886.
Index to the N. W. Provinces Cadastral Survey of District Gorakhpur	...	17"×13"	0 4	0 4	November 1885.
Index to the Cadastral Survey of Patti	...	17"×13"	0 4	0 4	February 1886.
Index to the Cadastral Survey of Dehra Dun	..	17"×13"	0 4	0 4	November 1885.
Index to the Survey Operations in the Punjab	...	17"×13"	0 4	0 4	February 1886.
RAJPUTANA.					
Index to the Survey Operations in the District Ajmere	...	17"×13"	0 4	0 4	February 1886.
Index to the Survey Operations in the District Meharwara	...	17"×13"	0 4	0 4	February 1886.

CHARLES STRAHAN, Major, R.E.,

Assistant Surveyor-General,

In charge Map Record and Issue Office.

## COMPTROLLER GENERAL'S OFFICE.

## NOTIFICATION.

*Calcutta, the 6th May 1886.*

New Government Treasuries have been opened at the following places in Upper Burma :—

Minbu.  
Shwebo.

Ningyan.  
Myingyan.

C. R. C. KIERNANDER,

*Depy. Comptroller General.*

## SURVEY OF INDIA.

## NOTIFICATION.

*Simla, the 4th May 1886.*

No. 554.—Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under sections 71 to 74, chapter V of the Civil Leave Code, with effect from the 25th instant, for such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.F.*

*Offg. Surveyor General of India.*

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATIONS.

*Indore Residency, the 28th April 1886.*

No. 1697.—In pursuance of Foreign Department Notification No. 621 G. of the 25th March 1886, Major N. C. Martelli received from Major D. W. K. Barr the charge of the Office of Political Agent in Baghelkhand and Superintendent of the Rewah State, on the forenoon of the 21st April 1886.

*The 1st May, 1886.*

No. 1756.—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the higher class, with effect from the date specified against him :—

Name.	DATE OF COMPLETION		Date of passing Professional Examination.	Date of promotion.
	14 years	7 years		
WITH ENGLISH QUALIFICATION. Har Nath, attached to the Baghelkhand Political Agency.	Apr. 1, 1886	Apr. 1, 1879	Apr. 10, 1886	Apr. 1, 1886

By Order,

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.  
for Central India*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

## NOTIFICATIONS.

*Abu, the 28th April 1886.*

No. 950 G.—Dost Mahomed Khan has been appointed a 3rd Class Hospital Assistant and placed on the Reserve List of Hospital Assistants for Native States, with effect from the 1st April 1886.

No. 951 G.—Second Class Hospital Assistant Kirpa Ram, attached to the Machilpur Raj Dispensary in Kerowlee, is granted two months' privilege leave, with effect from the 1st April 1886, and 3rd Class Hospital Assistant Dost Mahomed Khan of the Reserve List of Hospital Assistants for Native States, is appointed to officiate for him during his absence.

No. 952 G.—Second Class Hospital Assistant Abdool Wahab attached to the Northern India Salt Revenue Hospital at Bhatki, was granted three months' privilege leave, with effect from the afternoon of the 27th March 1886, and 2nd Class Hospital Assistant Mahesh Pershad, of the Government Reserve List, was appointed to act for him during his absence.

*The 1st May 1886.*

No. 1020 G.—With reference to Foreign Department Notification Nos. 789 G. and 877 G., dated the 15th and 27th April 1886, Messrs. T. J. C. Flowden, C.S., and A. Wingate, C.I.E., C.S., respectively, made over and received charge of the Meywar Residency on the forenoon of the 15th idem.

*The 4th May 1886.*

No. 1032 G.—With reference to this Office Notification No. 701 G., dated the 5th of April 1886, Messrs. R. E. Acklom and J. R. Tregear, respectively, delivered over and received charge of the Office of Superintendent, Rajputana-Malwa Railway Police, on the afternoon of the 27th idem.

By Order,

HUGH DALY,

*for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.*

## RESIDENT IN MYSORE.

## NOTIFICATION.

*Bangalore, the 28th April 1886.*

No. 1175-405.—The Officiating Resident in Mysore is pleased to rule that every candidate for an appointment in an Establishment under his control shall produce a certificate showing that he has been successfully vaccinated or otherwise adequately protected against small-pox.

2. The following officers are authorized to grant the certificates required under rule 1 :—

(1) The Residency Surgeon.

(2) The Hospital Assistants doing duty under the orders of the Residency Surgeon.

3. A fee of one rupee may be demanded for each certificate, provided that no fee shall be payable by any candidate for inferior service.

By Order,

E. A. FRASER, Major,

*Assistant to the Resident.*

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATION.

*Mount Abu, the 4th May 1886.*

**No. 1090S.**—Whereas land is required in the Ajmere District for a public purpose, namely, for Bathing Ghats, Dhobies' Cisterns and Cattle Troughs, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870:—

District.	Pargana.	Village.	AMOUNT REQUIRED FOR OCCUPATION.		TOTAL	Purpose for which required.	REMARKS.
			Permanently Bighas.	Temporarily Bighas.			
			A. R. P.	A. R. P.	A. R. P.		
Ajmere	Ajmere	Ajmere	3 3 38	..	3 3 38	For constructing Bathing Ghats, Dhobies' Cisterns and Cattle Troughs required at Ajmere.	The plan can be seen at the Office of the Assistant Commissioner, Ajmere.

By Order,

HUGH DALY,

for Offg. Secy. to Chief Commr.,  
Ajmere-Merwara.

## DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 27th April 1886.*

**No. 39.**—Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is granted leave on medical certificate for nine months with the usual subsidiary leave, with effect from 3rd April 1886.

*The 28th April 1886.*

**No. 40.**—Mr. J. E. P. Lincke, Executive Engineer, 2nd Grade, is granted leave on medical

certificate for six months with the usual subsidiary leave, with effect from 10th April 1886, or such subsequent date as he may avail himself of the same.

*The 30th April 1886.*

**No. 41.**—Mr. R. C. Williams, Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, has been granted by Her Majesty's Secretary of State for India, leave on medical certificate for six months, in extension of the furlough granted him previously.

F. S. STANTON, Colonel, R.E.,  
Director General of Railways.

## EASTERN BENGAL STATE RAILWAY.

*Calcutta, the 5th May 1886.*

*Form in which investments in the Register of the Examiner of Accounts, Eastern Bengal State Railway, are held.*

LOAN.		Stock Notes held by the Comptroller General.	Government Promissory Notes held by the Comptroller General in safe custody.	TOTAL.
4 Per cent. of 1865	..	51,600	14,500	66,100
4½ Per cent. of 1870	..	1,000	...	1,000
TOTAL		52,600	14,500	67,100

*List of Invested Funds in the Register of the Examiner of Accounts, Eastern Bengal State Railway, on the 31st March 1886.*

NAME OF FUND, PERSON OR ESTATE.	AMOUNT OF INVESTMENT.		TOTAL.	Class of Fund.
	4 per cent. of 1865 and other years.	4½ per cent. of 1870.		
Baboo Ram Taran Bhattacharjee, Cashier	10,000	...	10,000	Security deposit.
" Kaderessur Banerjee, Assistant Cashier	6,000	...	6,000	Ditto.
" Kajkristo Chatterjee, ditto	4,000	...	4,000	Ditto.
" Mohendra Lall Bhattacharjee, Assistant Cashier	3,000	...	3,000	Ditto.
" Proson Chunder Banerjee, Pay Clerk	2,500	...	2,500	Ditto.
" Tariney Gopal Palit, ditto	3,000	...	3,000	Ditto.
" Chunder Coomlar Bose, ditto	3,000	...	3,000	Ditto.
" Tarapada Banerjee, ditto	3,000	...	3,000	Ditto.
" Annoda Prosad Ghose, ditto	3,000	...	3,000	Ditto.
" Kalika Ranjan Mookerjee, Cash Sircar	1,000	...	1,000	Ditto.
" Durga Nundon Banerjee, ditto	1,000	...	1,000	Ditto.
" Woopendro Nath Mookerjee, Pay Clerk	3,000	...	3,000	Ditto.
" Woomes Chunder Singh, Goods Clerk	3,000	...	3,000	Ditto.
" Jogin Chunder Bose, ditto	1,500	...	1,500	Ditto.
" Khetter Mohun Ghose, (Freight Collector)	2,000	...	2,000	Ditto.
" Soshi Bhuvan Chuckerbutty, Goods Clerk	2,000	...	2,000	Ditto.
" Hurdeb Dass, (Labor Contractor)	3,000	...	3,000	Ditto.
" Bilashiram ditto	2,500	...	2,500	Ditto.
" Hurry Mohun Dey, ditto	2,000	...	2,000	Ditto.
" Bengal Coal Company (Coal Contractor)	5,000	...	5,000	Ditto.
Messrs T. C. Mookerjee, Eng. Coal Contractors	2,000	...	2,000	Ditto.
Baboo Rajendro Nath Banerjee (Contractor)	...	1,000	1,000	Ditto.
	66,000	1,000	67,000	

F. P. QUINLAN,  
Examiner.

### TREASURE TROVE.

#### NOTICE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on or about the 23rd August 1884, certain treasure consisting as under—

- 36 Panhali rupees.
- 215 Arcot rupees.
- 1 Silver hand ornament (Kada).
- 1 Silver hand ornament (Kada).
- Hirdayacha sanam of silver
- 1 Hirdayach mani of silver.
- 1 Kargote of silver.
- 1 Panhali half rupee.

of the aggregate value of Rs 302-14-6, was found in a wall belonging to Rajaram Joshi and brothers at Trimali in Taluka Khutao of the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Khatao, at Vaduj, on the 31st July 1886, when the Mamlatdar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,  
Acting Collector.

CAMP MALCOLMPET,  
The 28th April 1886.

### TREASURE TROVE.

#### NOTICE

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all

whom it may concern, that on 23rd November 1885, certain treasure consisting of 20 gold "varga" (an ornament) of the value of Rs 91-15, and two silver necklaces of the value Rs 6-15, aggregating in all Rs 98-14, was found in a wall belonging to Parai Kharadin of Gopuj, in Taluka Khatao, in the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Khatao on the 30th July 1886, at Vaduj, when the Mamlatdar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,  
Acting Collector.

CAMP MAHABLESWAR,  
The 28th April 1886.

### TREASURE TROVE.

#### NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on the 13th day of December 1885, treasure consisting of the undermentioned articles valued at Rs 220, was found by one of the convicts belonging to the Extramural Convict Gang, while excavating the earth at the New Bazar site of Mahal Bagayat, in the town of Bijapur, District Bijapur, Bombay Presidency:—

<i>Description of Property.</i>	<i>Value.</i>		
	<i>R</i>	<i>a.</i>	<i>p.</i>
8 Gold mohurs weighing 8 tolas and valued at . . . . .	168	0	0
52 silver rupees, weighing about 52 tolas and valued at . . . . .	52	0	0
<b>TOTAL.</b> . . . .	<b>220</b>	<b>0</b>	<b>0</b>

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of the Bijapur Taluka of the Bijapur District, at his office, on the 31st day of August 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,

Acting Collector.

BIJAPUR,

The 28th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 27th day of June 1885, treasure consisting of the undermentioned articles, valued at ₹175, was found hidden within the limits of Tadalgi Pagoda, belonging to Ranava Devasthan, in the village of Tadalgi, in the Bagewadi Taluka, Bijapur District, Bombay Presidency:—

Description of Property.	Number.
1. Silver coins bearing inscription in native character for Hijari 1090 . . . . .	105
2. Silver coins bearing inscription in native character for Hijari 1819 . . . . .	90
3. Silver coins bearing inscription in native character for year not known . . . . .	1
4. Silver coins bearing inscriptions in native character for 1819 . . . . .	1
5. Silver coins bearing inscription in native character for the year 30 . . . . .	3

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Bagewadi Taluka of the Bijapur District, at his office, on the 23rd day of August 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,

Acting Collector.

BIJAPUR COLLECTOR'S OFFICE;

The 27th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove (Act VI of 1878), that about the month of September 1885, the treasure described below, and valued at ₹84-3, was found underground in Malekai village, Mardala

Magane, in Uppinangadi Taluk of this District:—

<i>Description of the Property.</i>	<i>Value.</i>		
	<i>R</i>	<i>a.</i>	<i>p.</i>
19 Gold pagodas, each worth R2	38	0	0
125 Gold coins, each worth 4 annas	31	4	0
1 Piece of gold ingot, weighing 7½ hana tukas	2	6	0
1 Pair of gold chain, called menasina kare	1	4	0
1 Pair of gold ear ornament, called bugudi	2	12	0
9 Sheets of gold	3	12	0
1 Piece of gold ingot, weighing 10 Hana tukas	3	7	0
1 Piece of gold ingot, weighing 4½ hana tukas	1	6	0
TOTAL	84	3	0

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent, before the Collector of South Canara, at his Office, on the 25th day of October 1886, in order to the matter being inquired into and determined according to the provisions of the said Act.

J. STURROCK,

Collector.

SOUTH CANARA COLLECTOR'S OFFICE,

MANGALORE.

The 27th April 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 5th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 28th April 1886 . . . . .	10,93,258	
Value of Government silver in the Mint on the same date . . . . .	7,21,239	18,14,497
ADD—		
Silver received by the Mint during the week on account of the Currency Department	..	..
Ditto ditto Government	..	..
Deduct—		18,14,497
New coin paid to Reserve Treasury during the week . . . . .	2,37,000	
Petty items issued for miscellaneous purposes . . . . .	357	
		2,37,357
Balance on the evening of the 5th May 1886 . . . . .	..	15,77,140
The Balance comprises—		
Silver held on account of the Currency Department . . . . .	8,92,654	
Ditto ditto Government . . . . .	6,84,486	
There is in addition awaiting assay—		15,77,140
Ballion belonging to Private Individuals . . . . .	501	
Ditto ditto Currency Department . . . . .	55,85,350	
		55,85,851

A. W. BAIRD, Major, R.E.,

Offg. Master of the Mint.

CALCUTTA MINT.

The 6th May 1886.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

## Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regd. No.	No. of Note.	Value.	Name of Claimant.
		₹	
5	D 20—50144	100	Nihala Mal, Jullundur

ALLAHABAD,  
The 5th May 1886

H. J. BRERETON,  
Asst. Accountant Genl.,  
In charge of Paper Currency Office.

## Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED

Regd. No.	No. of Note	Value	Name of Claimant
		₹	
4	F 1—83806	1,000	
	" —83807	1,000	
	" —83808	1,000	
	" —83809	1,000	
	" —83824	1,000	
	" —83467	1,000	
	" —83816	1,000	
	" —83817	1,000	
	" —83818	1,000	
	" —83819	1,000	
	" —83820	1,000	
	" —83821	1,000	
	E 2—02036	500	
	" —02037	500	
	" —02038	500	
	F 20—50868	100	
	F 20—58783	100	
	" —31176	100	
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2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time: they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of  $4\frac{1}{2}$  annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

L. G. WAIT,

*Asst. Director General of the Post Office of India.*

*Unclaimed letters held in the Calcutta General Post Office on 6th May 1886*

Part A	Hollingsberry, R. H.	Smith, M. S. Brooker
Part B		
<i>Letters marked "Care of Post Office"</i>		
Amun, A.	Gr. H. Mrs. M.	Power, J. O.
Bates, J. N.	G. Jackson, St. L.	Preston, R. C. Campbell
Biggs, Men. L.	Grum, Otto	Pyke, Mrs. C. L.
Bose, P. N.	Guzner, H. I.	Pyke, R. H.
Bowers, S.	Gustave, E. G.	Reed, Mrs. A.
B. R.	Hawley, H. H.	Ree, W. G. I.
Brennan, Baron de	Hugler, Capt.	Richardson, H. W.
Capel, Lt. Col.	Hutton, Lt. Col.	Richworth, B. I.
C. B. H.	Imman, J. M.	R. M. I., Mrs.
Chelton, H.	Jelton, J. J. D.	Salt, Mrs. M.
Chalk, E. G.	Kelly, Miss G.	Schmidt, Otto
Chlor, Mr.	K. T. M.	Sharpe, Capt. A.
Crawford, J.	K. J. J. J.	Sauve, H. J.
De sa, H. J.	L. J. J. J.	Simpson, Percy
Dimeock, Basil.	L. J. J. J.	Simmonds, Geo.
D'Melun, Jose	L. J. J. J.	Smart, Mrs. R. B.
Dodd, J. B. N.	M.	Smith, J. M.
Dowling, D. C. A.	McDonald, Mrs.	Speer, A. F.
Drury, Surgeon F. J.	McLaughlin, John.	Stamans, Walter.
Dukes, Mrs.	Mumford, J. J.	Stone, Mrs. T.
Dundas, Mrs.	Murphy, A.	Storck, A.
Dwarris, J. H.	Murphy, Mr.	Straw, Mrs. R.
Earl, T. S.	Murphy, Paul.	Swingle, Mrs. C.
Easton, Percy H.	N. J. J. J.	Tamsey, J.
Ellis, Mrs. J. S.	Norrie, Mr. I.	Todd, L. L. C.
Entwistle, R.	O'Brien, J.	Walker, G. A.
Fey, L. L. Col.	Evans, G. F.	Walker, P. C.
Gilbert, Mrs. M.	F. J. J. J.	Ward, J. B. R.
Godfrey, J. B.	Perry, A.	Watt, W. H.
Gould, Miss	Peterson, Th. Geo.	Wessend, H. H.
Gow, J. F.	Phelps, W. G. St. V.	

*Registered Letters.*

Vrenger, Baron Joachim.	Goodroy, J. B.	Ro, A.
DeGuthrie, L.	Graham, H. L.	Sturges, David.
Friedman, S.	Moscowitz, Herman	

*Unclaimed Letters held in the Barrackpore Post Office on the 3rd May 1886*

Charters, Maa.	Fowell, W.	Thomas, Major C. F.
Chater, L.	Hobson, T. N.	Thomas, Mrs. M. J.
Chatterjee, Hari Das.	Laudale, T.	Todd, Miss
Coles, J. R.	Pearson, Rev. A. C.	Walker, P. G.
DeMount, F.	Riddall, W.	Wardale, Mrs.

E. HUTTON,

*Presidency Postmaster, Calcutta.*

*The 8th May 1886.*

**SEA AND FOREIGN MAILS.**

Mails for	Date of closing at Calcutta.	Route by which despatched
1886		
Egypt, Europe, America, Cape Colony through United Kingdom	11th May	Per P. & O. Steamer Bombay, Dacca
Ditto Book Post and Pattern Packets	10th "	Ditto
Zanzibar, Mozambique, East Coast of Africa generally, Delagoa Bay, Natal and Cape Colony by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	15th "	Ditto
Ceylon, Straits Settlements, Netherlands India, Labuan, Bangkok (Siam), Philippine Islands, China and Japan	11th "	Ditto
Australia, New Zealand and Tasmania	10th "	Ditto
Madras and Colombo	12th "	Per P. & O. Steamer Bombay
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th "	French Steamer
Straits and Hong-Kong	17th "	Per Steamer
Rangoon and Moulmein	12th "	Per Steamer
Akyab, Kyauk Phyo, and Rangoon	12th "	Per Steamer
Port Blair &c. Rangoon	12th "	Per Steamer

N.B.—The letter box will close at 7 P.M. precisely, after which hour Foreign letters fully prepaid and bearing an extra postage-stamp of four annas on each cover, will be received up to 7.30 P.M.

E. HUTTON,

*Presidency Post Master.*

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs. 4-8*, per eight-ounce tin, *Rs. 8-8*, per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs. 5-8*, per eight-ounce tin, *Rs. 10-8*, per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سینچونا فبریفیج**

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CALCUTTA, SATURDAY, MAY 8, 1886.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court

will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

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### PROMISSORY NOTES.

#### Lost

The Government Promissory Note No. 222369 of the 4 per cent. of 1st May 1865, for Rs500, originally standing in the name of Nundo Lal Seal, and last endorsed to my wife, Sreemutty Krishna Mohini Roy Chowdhry, by whom it was never endorsed to any other person. Payment of the above note and the interest due thereupon from the 1st November 1885 have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietress.

DEBENDRA KUMAR ROY CHOWDHRY,

*The 6th May 1886.*

*Barripoor.*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 19. }

CALCUTTA, SATURDAY, MAY 8, 1886.

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No. 20.}      SIMLA, SATURDAY, MAY 15, 1886.

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**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

*Nothing for publication.*

**SUPPLEMENT NO. 20.**

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATION.

*Simla, the 11th May, 1886.*

His Excellency the Viceroy and Governor-General will hold a *Levée* at the "Viceregal Lodge," at 9-45 P.M., on Monday, the 24th May, 1886, in celebration of Her Majesty's Birthday.

All Civil and Military Officers and the Native Officers of the Detachment of the 1st Goorkhas are invited to attend.

Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court are requested to send their names and addresses to the Aide-de-Camp in waiting not later than Wednesday, the 19th May, 1886; and, in doing so, to add the names of the Gentlemen who will present them, and who must themselves attend the *Levée*. Presentation cards will then be forwarded to them.

All Officers and Gentlemen attending the *Levée* are requested to bring with them two cards, with their names *legibly* written thereon—one card to be delivered on entering the "Viceregal Lodge," and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not entitled to wear uniform will appear in evening dress.

By Command,

W. BERESFORD, Major,

*Military Secretary to the Viceroy.*

## HOME DEPARTMENT.

## NOTIFICATIONS.—PUBLIC.

*Simla, the 12th May, 1886.*

**No. 673.**—The Birthday of Her Majesty the Queen and Empress of India, will be kept in India on Monday, the 24th May.

## ESTABLISHMENTS.

*The 14th May, 1886.*

**No. 156.**—*Appointment.*—Mr. H. C. Williams, C.S., Deputy Commissioner of the 2nd grade in Assam, to officiate as Deputy Commissioner of the 1st grade, with effect from the 30th March, 1886, *vice* Colonel J. Johnstone, on leave, or until further orders.

## MEDICAL.

*The 14th May, 1886.*

**No. 192.**—The services of Surgeon R. H. Charles, M.D., Garrison Surgeon, Attock, are permanently placed at the disposal of the Government of the Punjab.

## SANITARY.

*The 10th May, 1886.*

**No. 152.**—*Appointment.*—Surgeon-Major A. Stephen, M.B., to officiate as Sanitary Commissioner of the Punjab, during the absence on furlough on medical certificate of Deputy Surgeon-General H. W. Bellew, C.S.I., or until further orders.

## PATENTS.

*The 10th May, 1886.*

**No. 525.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

**No. 16 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Province, amended specification of his invention for "improvements and additions to Messrs. Thomson and Mylie's and other Patenters' Patent Portable Sugar Mill Rollers as fitted to and with Rogers' Patent Rail Stand and Fittings."

**No. 93 of 1885.**—Tookaram Rowjee Soam Wavshie Arya Chhatree, Iron founder, residing in Aditwar Pelt in the City of Poona in the Bombay Presidency, for squeezing sugarcane juice.

**No. 123 of 1885.**—James Hewitt Barry, of No. 110, Cannon Street, in the City of London, Merchant, and also of No. 5, Lyons Range in Calcutta, for an improvement in Drying machinery.

**No. 129 of 1885.**—William Phillips, of the Pension (Military) Establishment and resident of Fyzabad in the Province of Oudh, for an improved sugarcane mill called "Phillips' (Portable) Automatic Cane Driver and Squeeze Mill."

**No. 132 of 1885.**—George Greig, of Harvieston, in the County of Kincardine, North Britain, Engineer, for apparatus for drying tea, grain, and other produce or loose materials.

**No. 135 of 1885.**—Lazarus Chater, of No. 27, Creek Row, in the Town of Calcutta, Engineer, for economic weight adjusting carriage springs.

**No. 136 of 1885.**—Henry Hamilton Remfry, Solicitor and Patent Agent, of 5, Fancy Lane, Calcutta, for improvements in the manufacture of wire netting and in apparatus therefor.

**No. 139 of 1885.**—George Greig, of Harvieston, in the County of Kincardine, North Britain, Engineer, for a method of de-luccating air for drying purposes.

**No. 161 of 1885.**—George Kitt Winter, F.R.A.S., Telegraph Engineer, Madras Railway, Arkonam, in the Presidency of Madras, for improvements in Block Telegraph Instruments.

**No. 163 of 1885.**—Frederick James Harrison, of Latimer Road, London, in England, Builder, for an Improved cleansing compound.

**No. 179 of 1885.**—Ernest Marvis Gardner, Electrician, of Brook Line, Massachusetts, United States of America, for improvements in apparatus for generating and storing electricity.

**No. 185 of 1885.**—Alexander Perry, of Fairfield Road Bow in the County of Middlesex, Engineer, and Alexander William Gillman and Samuel Spencer, both of the Castle Brewery St. George's Road South Wark, in the County of Surrey, Consulting Practical Brewer and Analytical Chemists, and all in England, for new and useful improvements in the method of and apparatus for preparing grain or cereals to be used in brewing, distilling and vinegar-making and in the preparation of food and confectionery.

**No. 187 of 1885.**—Edward Lennon Cantwell, Civil Engineer, of Calcutta, for improvements in the construction and method of working portable mills for grinding, kibbling and husking.

**No. 189 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of an Iron Lever with adjustable yoke and socket."

**No. 190 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of combined regulating reactionary wearing screws and bearings."

**No. 5 of 1886.**—Framjee Jamesjee Madan, Jahangir Manchaji Chichgar and Shampoorji Dhanjibhoy Mistry, trading under the name of F. J. Mistry and Company, manufacturers of steam oil mills, &c., dealers in oil, &c., and Commission Agents of 32, Mody Bay, Fort Bombay, for improvements in Rotary oil mills.

**No. 10 of 1886.**—Edward Fixary, of 33, Rue Monge, Paris, in the Republic of France, Engineer, for an improvement in refrigerating apparatus.

**No. 20 of 1886.**—William Bull, Civil Engineer, at present residing in Bombay for automatic gear for working dredgers or grabs.

**No. 21 of 1886.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nigama, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of a centre board of corrugated iron or other material."

**No. 22 of 1886.**—Edmond Frémy, Member of the Institute of France and Victor Urbain, Engineer and Chemist, both of Paris, in the Republic of France, for improvements in obtaining and treating fibres from the barks of plants of the Urtica family and the like.

**No. 31 of 1886.**—Percival Eveitt, of London, England, Engineer, for improvements in checking apparatus.

**No. 32 of 1886.**—William Ellery Hale, Manufacturer, of Chicago, Illinois, United States of America, for improvements in gas engines.

**No. 39 of 1886.**—Patrick Adie, of London, England, Engineer, for improvements in driving bands and pulleys or wheels for the transmission of motive power.

**No. 44 of 1886.**—Frederick Henry Gill, of 20, Bucklebury in the City of London, England, Draughtsman, for an improved mode of securing rails to metal sleepers.

**No. 50 of 1886.**—David Rattray Malcolm, of the Constable Works, Dundee, Scotland, Engineer, for improvements in plating machines.

**No. 57 of 1886.**—Vivian Byam Lewis, of the Royal Naval College, Greenwich, in the County of Kent, England, Chemist, for improvements in the distillation of sea and other water.

#### FORESTS.

*The 13th May, 1886.*

**No. 384 F.**—Mr. M. Muttannah, Sub-Assistant Conservator of Forests in Coorg, is appointed to officiate, until further orders, as an Assistant Conservator of Forests of the 3rd grade, with effect from the 1st April, 1886.

*The 14th May, 1886.*

**No. 403 F.**—The Notification of this Department No. 285 F., dated the 16th ultimo, placing the services of Mr. C. F. Elliott, Deputy Conservator of Forests in the Punjab, at the disposal of the Foreign Department for employment in Baluchistan, is hereby cancelled.

A. P. MACDONNELI,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

### NOTIFICATIONS.—SURVEYS.

*Simla, the 14th May, 1886.*

**No. 425 S.**—The services of Colonel H. C. B. Tanner, Deputy Superintendent, Survey of India Department, are placed temporarily at the disposal of the Foreign Department.

**No. 427 S.**—The services of Mr. R. D. Oldham, Deputy Superintendent, Geological Survey of India Department, are placed temporarily at the disposal of the Foreign Department.

### EXHIBITIONS.

*The 14th May, 1886.*

**No. 1402—1-25 Ea.**—The following telegram from His Royal Highness the Prince of Wales, Executive President of the Royal Commission for the Colonial and Indian Exhibition, 1886, regarding the exhibits contributed to the Indian Section, is published for general information:—

"Telegram, dated 4th May, 1886.

From—His Royal Highness the Prince of Wales,

To—His Excellency the Viceroy.

"At a Meeting of the Royal Commission for the Colonial and Indian Exhibition held 3rd May, the following Resolution was unanimously adopted:—

"That this Meeting consider it a pleasing duty to record the deep obligation we are under to His Excellency the Viceroy and the Supreme Government of India for the admirable organization which, under the direction of Mr. Buck, has been displayed by the Revenue and Agricultural Department and by the Officers who have assisted it; and further, that we request the Viceroy to express our acknowledgments to their Highnesses the Princes of India, who have by their liberal contributions so materially added to the beauty and interest of the Indian Sections."

C. J. LYALL,

*Off. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.—GENERAL.

*Simla, the 11th May, 1886.*

**No. 1000 G.**—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Monsieur Pernet as Vice-Consul for France at Rangoon.

**No. 1003 G.**—The Governor-General in Council is pleased to recognize the appointment of Mr. Carlos Vetter as Acting Consul for Germany at Rangoon, *vice* Mr. L. Schumacher.

*The 14th May, 1886.*

**No. 1008 G.**—The following temporary promotions are made in the Graded List of the Political Department:—

Consequent on the departure on furlough of Lieutenant-Colonel W. J. W. Muir, Political

Agent of the 1st class, with effect from the 1st April, 1886,—

Colonel E. S. Reynolds, Political Agent of the 2nd class, to officiate as a Political Agent of the 1st class.

Major D. Robertson, Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Mr. P. J. C. Robertson, Political Assistant of the 1st class, to officiate as a Political Agent of the 3rd class.

Lieutenant W. H. Cornish, Political Assistant of the 2nd class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st class.

Lieutenant H. Daly, Political Assistant of the 3rd class, sub. *pro tem.*, to be a Political Assistant of the 2nd class, sub. *pro tem.*

Lieutenant H. S. P. Davies, officiating Political Assistant of the 3rd class, to be a Political Assistant of the 3rd class, sub. *pro tem.*

Consequent on the appointment of Lieutenant-Colonel S. B. Miles, officiating Political Agent of the 1st class, to officiate as a Resident of the 2nd class, with effect from the 2nd April, 1886,—

Lieutenant-Colonel E. Mockler, Political Agent of the 2nd class, to officiate as a Political Agent of the 1st class.

Lieutenant-Colonel V. E. Law, Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Captain I. MacIvor, Political Assistant of the 3rd class, and Political Assistant of the 1st class, sub. *pro tem.*, to officiate as a Political Agent of the 3rd class.

Captain A. M. Muir, Political Assistant of the 3rd class, to be a Political Assistant of the 1st class, sub. *pro tem.*

Lieutenant A. F. Pinhey, officiating Political Assistant of the 3rd class (*superannuery*), to be a Political Assistant of the 3rd class, sub. *pro tem.*

Consequent on the appointment of Lieutenant-Colonel H. P. Peacock, Political Agent of the 2nd class, to officiate as a Resident of the 2nd class, with effect from the 5th April, 1886,—

Major E. A. Fraser, Political Assistant of the 1st class, and officiating Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Captain H. L. Ramsay, Political Assistant of the 2nd class and Political Assistant of the 1st class, sub. *pro tem.*, to officiate as a Political Agent of the 3rd class.

Lieutenant P. J. Melvill, Political Assistant of the 2nd class, sub. *pro tem.*, to be a Political Assistant of the 1st class, sub. *pro tem.*

Lieutenant L. S. Newmarch, Political Assistant of the 3rd class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd class.

**No. 1010 G.**—Captain I. MacIvor, Political Assistant of the 3rd class, and officiating Political Agent of the 3rd class, is appointed to be a Political Agent of the 3rd class, sub. *pro tem.*, with effect from the 21st April, 1886, *vice* Major N. C. Martelli, appointed an Additional Political Agent of the 1st class, and Political Agent in Baghelcund and Superintendent of the Rewa State.

## INTERNAL.

*The 13th May, 1886.*

**No. 1500 I.**—In exercise of the powers conferred by Sections 8 and 9, respectively, of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased—

(a) to appoint the Reverend M. F. Crewdson, of the Wesleyan Mission, Secunderabad, to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad; and

(b) to license the said Reverend M. F. Crewdson to grant certificates of marriage between Native Christians within the said territories.

**No. 1592 I.**—In exercise of the powers conferred by Section 9 of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased to license—

B. P. Wesley,

G. H. Kadari, and

V. T. Paramashwen,

Native Ministers of the Wesleyan Mission, Secunderabad, to grant certificates of marriage between Native Christians within the territories of His Highness the Nizam of Hyderabad.

## EXTERNAL.

*The 13th May, 1886.*

**No. 869 E.**—With reference to the Notification of the Government of the Punjab, No. 206, dated the 7th April, 1886, the services of Lieutenant-Colonel T. J. C. Plowden, C.I.E., Deputy Commissioner of Dera Ghazi Khan, are replaced at the disposal of that Government, with effect from the forenoon of the 10th April, 1886.

*The 14th May, 1886.*

**No. 876 E.**—Whereas it is expedient to amend the law relating to Forests in Baluchistan; His Excellency the Viceroy and Governor-General in Council has been pleased to issue the following orders:—

## CHAPTER I.

### PRELIMINARY.

**I** (1) These orders may be called the Baluchistan Forest Law, 1886, and are hereafter referred to as "this Law."

(2) This Law extends to the territories under the administration of the Agent to the Governor-General in Baluchistan: Provided that the said Agent may, by notification in the Gazette of India, exempt any place therein from the operation of the whole or any part of it, but not so as to alter anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in such place before such exemption; and

(3) It shall come into force on such day as the Agent to the Governor-General in Baluchistan may, by notification in the Gazette of India, direct.

2. In this Law, unless there is something repugnant in the subject or context,—

Definitions.

"Agent" means the Agent to the Governor-General in Baluchistan:

"Political Agent" means the chief executive revenue-officer of the district:

"State forest" means any land which may be constituted a State forest under section 3 of this Law.

"Forest-officer" means any person appointed, by name or as holding an office, by or under the orders of the Governor-General in Council or the Agent, to be Chief Forest-officer or a Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule made hereunder:

"Chief Forest-officer" means the Chief Forest-officer in Baluchistan:

"Tree" includes bamboos, stumps, and brush-wood:

"Timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

"Forest-produce" includes the following things when found in, or brought from, a forest, that is to say:

minerals (including limestone and laterite), earth-oil, surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey, wax, skins, tusks, bones, and horns:

"Forest-offence" means an offence punishable under this Law:

"Cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

"Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Agent to try forest-offences.

## CHAPTER II.

### OF STATE FORESTS.

3 (1) The Agent may, by notification in the Constitution of State Gazette of India, declare any woodland, permanent grazing ground, or other land which is the property of the Government to be a State forest from a date to be fixed in the notification.

(2) The notification shall describe the situation and specify the limits of the land in respect of which the declaration is made; and from the date fixed therein the said land shall be deemed to be a State forest.

(3) The Political Agent shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land, and in any other villages of which the residents have been accustomed to graze their flocks in, or in the vicinity of, the land.

4. Whenever a State forest is not bounded by demarcation of State a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Agent may direct.

5. No right of any description adverse to Government shall be acquired in or over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

6. In any State forest the Chief Forest-officer may, from time to time, with the previous sanction of the Agent, determine what roads and pathways shall be authorised for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only. The Chief Forest-officer shall cause public notice to be given of the closing of any existing road or pathway.

7. Any person who in a State forest—

Penalties for trespass or damage in State forests

- (a) trespasses, or pastures cattle or permits cattle to trespass, off any road or pathway authorized for public traffic, or
- (b) causes any damage by negligence in felling any tree, or cutting or dragging any timber, or
- (c) lops, notches, strips off the leaves from, or otherwise damages, any tree, or
- (d) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

8. Any person who—

- (a) sets fire to a State forest, or
- (b) kindles, keeps or carries any fire, or leaves burning any fire kindled by him, in such manner as to endanger a State forest,

or who in a State forest—

- (c) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or
- (d) fells, girdles, marks, taps, strips off the bark from, or uproots or burns, any tree, or
- (e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce, or
- (f) clears, cultivates, or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Magistrate may direct.

Exceptions from prohibitions contained in sections 7 and 8.

done—

- (a) with the permission of a Forest-officer specially empowered to give such permission; or
- (b) in pursuance of any permission granted by the Agent; or
- (c) in accordance with any rule made by the Agent with the previous sanction of the Governor-General in Council.

(2) The permission of the Forest-officer referred to in sub-section (1), clause (a), shall be in writing, and shall only authorise the doing of some particular act on some particular occasion.

(3) The permission referred to in sub-section (1), clause (b), may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purposes of trade.

(4) The rules referred to in sub-section (1), clause (c), may be applied by the Agent, by notification in the Gazette of India, to all or any State forests or to any part of a State forest, and may, with respect thereto,—

- (i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;
- (ii) regulate the quarrying of stone, the prospecting for, and extracting of, oil, the boiling of catch, and the burning of lime or charcoal;
- (iii) regulate hunting, shooting, fishing, poisoning water, and setting traps or snares;
- (iv) prescribe, or authorise any Forest-officer to prescribe, subject to the control of the Agent, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

In making any such rule the Agent may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(5) The Agent may cancel any permission given by a Forest-officer or withdraw any permission granted by himself, and may, by notification in the Gazette of India, cancel or modify, with the previous sanction of the Governor-General in Council, all or any rules made under this section.

**10.** The Agent may, with the previous sanction of the Governor-General in Council, by notification in the Gazette of India, direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest. From the date so fixed such forest or portion shall cease to be a State forest.

### CHAPTER III.

#### OF THE PROTECTION OF CERTAIN TREES AND NATURAL PRODUCE.

Power to declare reserved trees.

**11.** The Agent may, by notification in the Gazette of India,—

- (a) declare that any trees or any specified class of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees;
- (b) vary or cancel any such notification.

**12. (1)** No person shall cut, mark, lop, girdle, tap or injure by fire or otherwise any reserved tree, except as provided by rules made by the Agent in this behalf, or with the permission in writing of a Forest-officer specially empowered to grant such permission.

(2) Whoever cuts, marks, lops, girdles, taps or injures by fire or otherwise any reserved tree, in contravention of sub-section (1) of this section shall be punished with fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

### CHAPTER IV.

#### OF FOREST-PRODUCE IN TRANSIT.

**13.** The Chief Forest-officer may, subject to the control of the Agent, establish stations within or outside any State forest for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same.

**14. (1)** No timber or other forest-produce shall be taken out of any State forest except by a route on which such a station has been established, or of which the use for the removal of timber or other forest-produce has been specially authorised by the Chief Forest-officer.

(2) A full description of every such route shall be fixed up by the Forest-officer in charge of the Forest Division in the towns and villages in the neighbourhood of the forest served by the same.

**15.** No timber or other forest-produce, whether the produce of a State forest or of other land, shall be taken along any route authorised for the removal of timber or other forest-produce under section 14 unless covered by a pass issued by a Forest-officer whom the Chief Forest-officer has duly authorised in that behalf or by the owner of the land, as the case may be. Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

**16.** Any person who contravenes the provisions of section 14 or section 15 shall be punished with imprisonment for a term which may extend to six months, or with

fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of section 14 or section 15. **17.** A general exemption from the operation of section 14 or section 15 or both sections—

- (a) with respect to any class of timber or other forest-produce, or
- (b) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

## CHAPTER V.

### OF CATTLE-TRESPASS.

**18.** Cattle trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer specially authorized in this behalf by the Political Agent: Provided that it shall be optional with the Forest-officer to proceed against the owner of such cattle under section 7 of this Law.

**19.** The Agent may, by notification in the Gazette of India, direct that there shall be levied for each head of cattle impounded such fines as he thinks fit, but not exceeding the following (that is to say):—

	Rs. A. P.
For each elephant	10 0
For each buffalo or camel	2 0
For each horse, mare, gelding, pony, colt, filly, male, bull, bullock, cow, or heifer	1 0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	0 8

## CHAPTER VI.

### PENALTIES AND PROCEDURE.

**20.** (1) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized; and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

**21.** Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

**22.** When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts, and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Such confiscation may be in addition to any other punishment prescribed for the offence.

**23.** When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf; and may, in any other case, be disposed of in such manner as the Court may order.

**24.** (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application on this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

**25.** The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 20, which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

**26.** Any person claiming to be interested in property seized under section 20 may, within one month from the date of any order passed by a Magistrate under section 22, section 23 or section 24, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable; and the order passed on such appeal shall be final.

**27.** When an order for the confiscation of property has been passed under section 22 or section

24, and no appeal from such order has been presented within the period prescribed by section 26, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

28. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 20, and the withdrawal of any charge made in respect of such property.

29. Whoever with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
  - (b) unlawfully affixes to any timber or standing tree a mark used by Forest-officers; or
  - (c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer; or
  - (d) alters, moves, destroys or defaces any boundary-mark of any State forest;
- shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

30. (1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

31. (1) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure, as compensation to the person aggrieved by such seizure or arrest.

32. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

33. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law:

Provided that no person shall be punished twice for the same offence.

34. (1) Any Forest-officer specially empowered in this behalf may accept from any person reasonably suspected of having committed any forest-offence, other than an offence under section 29 or section 31, a sum of money by way of compensation for the offence which may have been committed; and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

35. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

## CHAPTER VII.

### OF FOREST-OFFICERS.

36. (1) The Agent may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

- (a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
  - (b) power to issue search-warrants under the Code of Criminal Procedure;
  - (c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;
  - (d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;
  - (e) power to grant the permission referred to in section 9, sub-section (1), clause (a);
  - (f) power to grant general exemptions under section 17;
  - (g) power to take possession of property under sections 23, 24, and 43;
  - (h) power to direct the release of property and withdrawal of charges under section 28;
  - (i) power to accept compensation for forest-offences under section 34;
- and may withdraw any powers so conferred.

(2) Evidence recorded under clause (c) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

37. All forest-officers shall be deemed to be Forest-officers deemed public servants within the meaning of the Indian Penal Code.

38. No suit or criminal prosecution shall lie Indemnity for acts against any public servant done in good faith. for anything done or omitted by him in good faith under this Law.

39. Except with the permission in writing of Forest-officers not to the Agent, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

## CHAPTER VIII.

### MISCELLANEOUS.

Additional power to make rules. 40. The Agent may make rules consistent with this Law—

- (a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed;
- (b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law or from the public treasury; and,
- (c) generally, to carry out the provisions of this Law.

41. Every person who is permitted by a Persons bound to give information and assistance to Forest-officer and Police-officer. Forest-officer, or to whom permission has been granted by the Agent, to pasture cattle in, or to collect and remove any forest-produce from, a State forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;
- (c) in preventing the commission in such forest of any forest-offence; and,

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

42. (1) The provisions of sections 63 to 70 Recovery of fines and other moneys. (both inclusive) of the Indian Penal Code, and of XLV of 1861 sections 386 and 387 of the Code of Criminal Procedure, shall apply to all fines imposed under this Law. X of 1882.

(2) All money other than fines, payable to the Government under this Law or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the Law for the time being in force, as if it were an arrear of land-revenue.

43. (1) When any such money is payable for, Lien on forest-produce or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(2) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

44. The Government shall not be responsible Government and its officers not liable for loss or damage in respect of certain timber. for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 13, or while detained elsewhere for the purposes of this Law; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

45. All rules made by the Agent under this Rules when to have force of law. Law shall be published in the Gazette of India and shall thereupon have the force of law.

46. All powers conferred by this Law on the Powers of Agent exercisable from time to time. Agent may be exercised from time to time as occasion requires.

H. M. DURAND,  
Secretary to the Government of India.

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

Simla, the 12th May, 1886.

No. 727.—Mr. W. T. Piercy, Assistant Accountant General, Bengal, having been granted privilege leave for twenty-nine days, and Mr. C. G. Vansittart having been posted to that

office, Mr. Vansittart made over charge of his duties as Assistant Comptroller General, and received charge of the office of Assistant Accountant General, Bengal, from Mr. Piercy, after noon on the 30th April, 1886.

*The 13th May, 1886.*

No. 787.—Mr. H. S. Groves, Assistant Accountant General, Madras, having returned from privilege leave, resumed charge of his duties before noon on the 29th April, 1886.

### CODES.

*The 14th May, 1886.*

No. 800.

#### PAY AND ACTING ALLOWANCE CODE.

PAGES 298 AND 299.

*Section 57 (i).*

*Insert the following after "A" in the first line of this Section:—*

"Military officer on the Commission of a Non-Regulation Province or a"

### SEPARATE REVENUE.

#### STAMPS.

NON-JUDICIAL.  
EXEMPTIONS, &c.

*The 14th May, 1886.*

No. 792.—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, the Trustees to the Port of Bombay have paid into the Government Treasury the sum of Rs. 5,000 as composition for the stamp duty chargeable on a sum of Rs. 10,00,000 which the said Trustees were authorised to borrow, and of which a sum of Rs. 67,500 has been raised by the issue of the undermentioned debentures, namely—

Serial Number.	Date.	Value of each Debenture.	Number of Debentures.	Amount.
	1885.	Rs.		Rs.
001 to 049	October 31st .	1,000 each	49	49,000
050 & 051	" " .	2,000 "	2	4,000
052 to 055	" " .	500 "	4	2,000
056	" " .	1,000 "	1	1,000
057	November 5th .	500 "	1	500
058 & 059	October 31st .	1,000 "	2	2,000
060 & 061	December 8th .	500 "	2	1,000
062	" 8th .	500 "	1	500
063 & 064	" 8th .	500 "	2	1,000
065	" 22nd .	500 "	1	500
	1886.			
066 to 068	January 5th ...	2,000 "	3	6,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

D. M. BARBOUR,  
*Secretary to the Government of India.*

### MILITARY DEPARTMENT.

*Simla, the 14th May, 1886.*

#### FIELD OPERATIONS.

No. 295.—The Governor-General in Council, in directing the publication of the despatches regarding the recent operations in Upper Burma which resulted in the capture of Mandalay and the overthrow of King Theebaw, desires to place on record his cordial recognition of the admirable manner in which Lieutenant-General Sir H. N. D. Prendergast, K.C.B., V.C., and the troops under his orders carried out the task set before them.

By rapidity of movement, by skillful strategy, and by the exercise of humane forbearance, Sir Harry Prendergast has succeeded, with comparatively little loss to the force under his command, and without unnecessary bloodshed or undue severity towards the enemy, in occupying Mandalay, in capturing its King, and taking possession of the whole of Upper Burma.

For these services the warmest thanks of the Government of India are due to Sir Harry Prendergast, to the officers and men of the Naval Brigade, the British and Native Forces, the Volunteers, and the Indian Marine. They are specially due to Brigadier-General F. B. Norman, C.B., G. S. White, C.B., V.C., and H. H. Foord, Commanding the Infantry Brigades, to Captain R. Woodward, R.N., Commanding the Naval Brigade, to Colonel W. Carey, Commanding Royal Artillery, Colonel G. E. L. S. Sanford, Commanding Royal Engineers, Commander A. Carpenter, R.N., Indian Marine Survey, and Captain A. Campbell, the senior officer of the Indian Marine.

The Governor-General in Council also desires to record his approbation of the manner in which the various departments of the force have carried out their duties during the campaign. The Medical Department under Deputy Surgeon-General J. McN. Donnelly, M.D., the Commissariat and Transport Departments under Lieutenant-Colonel A. F. Loughton and Major R. H. T. Hull, and the Ordnance Department under Major V. C. Fisher, have proved the complete efficiency of those departments under circumstances of considerable difficulty. Lieutenant-Colonel E. W. Debgie, the Superintendent of Army Signalling, also merits the acknowledgments of the Government of India.

The Governor-General in Council is much indebted to Rear-Admiral Sir F. W. Richards, K.C.B., for the very complete and prompt manner in which His Excellency placed the whole force under his command at the disposal of the Government of India, and for the admirable manner in which the Naval Brigade was organized and equipped.

The Governor-General in Council expresses his hearty thanks to Mr. C. E. Bernard, Chief Commissioner, British Burma, Colonel E. B. Sladen, Chief Political Officer of the Force, and the other civil officers who have assisted them during the recent operations. To Mr. Bernard His Excellency is much indebted for the valuable assistance and personal energy which so much lightened the labour of organizing the force and the flotilla which carried it to Mandalay; also to Colonel

Sladen, to whose tact and knowledge of the Burmese people and their language the peaceful surrender of the King was in a great measure due.

The Governor-General in Council also records his appreciation of the assistance rendered by the management of the Irrawaddy Steam Flotilla Company, and the skill shown by the commanders of their vessels.

During the operations which were being conducted in Upper Burma troubles arose on the frontiers of British Burma consequent on raids committed by lawless soldiery and dacoits. These were very promptly suppressed by the troops of the British Burma Division who had not the good fortune to form part of the Expeditionary Force. The thanks of the Government are due for these services, and specially to Major-General L. W. Buck, Commanding the British Burma Division, and Mr. E. S. Symes, Secretary to the Chief Commissioner, for the very efficient measures taken by them to secure and maintain the tranquillity of the province.

The labours of the troops have not yet ended, and they may still be called on to undergo privations and to perform harassing duties; but the Governor-General in Council confidently hopes that, with the aid of the civil officers, the work of pacification and the suppression of dacoity will soon be effected.

It remains for the Governor-General in Council to place on record his gratitude to the Local Governments and Army Departments for the manner in which the Expeditionary Force was organized and despatched. On the 19th October, warning was given to the Commander-in-Chief in India, the Government of Madras, and the Director of Marine that an Expeditionary Force would probably be required for Burma; and on the 21st October orders were issued for the despatch of a division of 3 brigades of Infantry, 6 batteries of Artillery, 6 companies of Sappers, and a Naval Brigade, part of the force embarking at Calcutta, and part at Madras. Embarkation took place simultaneously from both ports on the 1st November, and by the 6th November the entire force had sailed from India completely equipped for service. On the 14th, the force which was in course of concentration on the British Burma frontier crossed the frontier, and hostilities commenced. On the 28th November Mandalay had fallen and the King surrendered. Few expeditions have been conducted to a successful issue with such rapidity and completeness.

The Governor-General in Council desires to express his cordial appreciation of the energy displayed by the Government of Madras, the Provincial Commander-in-Chief of the Madras Army, and the Departments working under their orders for the expeditious and efficient manner in which every detail of the organization and embarkation of the Madras force was carried out. The Government of Madras have very fully acknowledged the services of the following officers as deserving of notice, and the Governor-General in Council wishes now to add to these commendations an expression of his own appreciation of their services:—

Colonel H. P. Hawkes, Commissary-General.  
Major-General S. H. E. Chamier, Inspector General of Ordnance.

Surgeon-General J. Irvine, M.D., Medical Staff.  
Surgeon-General M. C. Furnell, Indian Medical Department.

Lieutenant J. H. Taylor, R.N.R., Master Attendant.

The Governor-General in Council also desires to thank the Government of Bombay for their cordial response to the requisitions made by the Government of India, and for the rapidity with which their troops were equipped and despatched.

The Governor-General in Council takes this opportunity to thank Sir Donald Stewart, who was Commander-in-Chief in India when the Expeditionary Force in India was organized, for his co-operation and advice; also His Excellency Sir Frederick Roberts for the assistance rendered since his arrival in India. The Governor-General in Council also acknowledges the services rendered by the Adjutant-General and Quartermaster-General in India, and the staff and departmental officers who, under their orders, have carried out the various details connected with the organization and despatch of the force.

The thanks of the Government of India are due to the following officers and their subordinates for the energetic part taken by them in the equipment of the force:—

Colonel J. V. Hunt, C.B., Commissary-General-in-Chief.

Colonel R. C. Low, C.B., Commissary-General for Transport.

Major-General T. E. Hughes, C.I.E., Director-General of Ordnance in India.

Surgeon-General C. D. Madden, Medical Staff.

Surgeon-General B. Simpson, M.D., Indian Medical Department.

Colonel B. Walton, C.I.E., Superintendent and Agent for Army Clothing.

Captain J. Hext, R.N., Director of Marine, for the promptitude and efficiency with which the transports were taken up and fitted; Captain G. O'B. Carew, C.I.E., Deputy Director, and Commander H. A. Street, R.N., Assistant Director.

No. 1465-Camp, dated Fort William, 3rd February, 1886.

From—MAJOR-GENERAL SIR T. D. BAKER, K.C.B., Adjutant-General in India,

To—The Secretary to the Government of India, Military Department.

I am directed by the Commander-in-Chief to submit, for the information of Government, the

No. 39-L, dated 14th January, 1886 (with enclosures), accompanying despatch from the General Officer Commanding the Burma

Field Force, detailing the operations carried out by the troops under his command from the date of embarkation at Rangoon to the capture of Mandalay and the surrender of King Theebaw.

2. His Excellency desires to record his appreciation of the able manner in which Lieutenant-General Sir Harry Prendergast, K.C.B., V.C., has carried out his orders; and considers that great credit is due to him and all concerned for the rapidity with which the operations have been brought to a successful issue with so small a sacrifice of life.

No. 38-L, dated Mandalay, 13th January, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST,  
K.C.B., V.C., Commanding the Burma Field Force,  
To—The Adjutant-General in India.

I have the honor to forward a despatch containing an account of the operations carried on by the force under my command from the date of the embarkation of the troops composing it at Rangoon until the date of the capture of Mandalay and surrender of King Theehaw.

2. I have the honor to transmit with the despatch the following reports, returns, &c.:

\* \* \* \* \*

Return of casualties at Minhla and Gwegyoun-Kamyo.  
Return of ordnance captured.

\* \* \* \* \*

3. My thanks are due to many for their assistance during the expedition, and I am only awaiting the lists of those whom the Brigadier-Generals desire to bring specially to notice to submit them for the favorable consideration of the Government of India.

No. 39-L, dated Head-Quarters, Mandalay, 14th January, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST,  
K.C.B., V.C., Commanding the Burma Field Force  
To—The Secretary to the Government of India, Military Department.

On the 12th November, having arranged the embarkation of troops and departments, and seen a considerable force on board the river steamers and flats, I left Rangoon for Prome.

2. On my arrival at Thayetmyo, on the evening of the 13th November, 1885, I received a message from the Foreign Department, informing me that as the Burman reply to the ultimatum was unsatisfactory, I should advance upon Mandalay when my military preparations were complete.

3. Having heard from the Deputy Commissioner that the Burman outposts had been strengthened on the frontier, that the villagers within British territory were alarmed and deserting their houses, and that a King's steamer with two flats had brought down a great body of soldiers to within six or eight miles of the frontier, and that the intention was to sink the flats as an obstruction, I ordered the armed steamer *Irrawaddy*, of the Indian Government, and the launch *Kathleen* to move at daylight on the 14th to reconnoitre the river to a distance of not more than 30 miles, and to capture the King's steamer and flats.

4. On the 14th November I received His Excellency the Commander-in-Chief's orders to carry out operations with the utmost vigour and rapidity possible; and on that day the *Irrawaddy*, under command of Commander W.R. Clutterbuck, R. N., of H.M.S. *Woodlark*, and the *Kathleen*, under Lieutenant F. P. Trench, of H. M. S. *Turquoise*, found the King's steamer, with the attendant barges, near Nyoung-ben-Maw, on the right bank of the Irrawaddy, about 28 miles above Thayetmyo; and having accepted and returned the fire of the enemy's shore batteries at close quarters, the *Irrawaddy* cleared the decks of the steamer and flats with her machine guns, and the crews jumped overboard.

The Italians, Cammotto and Molinari, were among the fugitives. The batteries were repassed at very short range, and the prizes towed down by the capturing steamers. The operations were rendered difficult by the rapidity of the current opposite the batteries. Commander Clutterbuck, Lieutenant Trench, and the officers and crews of the *Irrawaddy* and *Kathleen* deserve great credit for their courage, and the Indian Marine officers and lascars serving on board the former did their duty with perfect coolness under fire.

5. The little *Kathleen*, with her crew of sixteen men, repeatedly engaged the shore battery of nine guns at fifty yards range. Her loss was one man severely wounded, *viz.*, Robert Hutchison, gunner's mate of H.M.S. *Turquoise*.

6. The prizes were valuable, not only as an addition to the means of transport for the Expeditionary Force, but also because their loss delayed the retreat of the enemy somewhat, and prevented them from closing the channel near Nyoung-ben-Maw according to the plans of the Italians which were found in one of the flats.

On the afternoon of the 14th, the leading steamers, containing the Bengal Brigade, anchored at Thayetmyo.

7. On the 15th November, in order to give confidence to the villagers near the frontier, and to re-establish telegraphic communication between the frontier and Allamyo, I posted two companies of the 2nd Bengal Infantry at Laingha on the frontier, and steamed 15 miles north of the frontier, with all troops that had come up, detail as per margin.

8. On the 16th the steamers weighed anchor at daybreak, and at 9-15 A.M. a landing was effected at Zoung-gyan-Doung village on the right bank, two miles below the batteries which had fired on the *Irrawaddy* and *Kathleen* on the 14th. The column commanded by Colonel W. Rowlandson of the 12th Madras Infantry consisted of the Liverpool Regiment, the 1st Madras Pioneers, and the 12th Madras Infantry.

9. The country on the right bank consists of a series of small steep hills, covered with trees and brushwood.

The landing place was selected so that the enemy could not see the debarkation.

10. Colonel Rowlandson was ordered to lead his force so as to attack the rear of the batteries, and prevent the escape of the enemy. During the advance of the infantry the *Irrawaddy*, lying 3,000 yards below the enemy's batteries, fired occasional shells into them, to which the enemy replied, but with no effect. Nothing could be more picturesque than the advance of the Liverpool Regiment from hillock to hillock, while the batteries were kept amused by the shells from the *Irrawaddy*. The turning movement was remarkably well executed, and would

have been successful had not the enemy been warned of their danger by *phoongyees*, or priests, who, protected by their yellow garb, had been allowed to watch the operations of our regiments.

The Burmans fled from their batteries panic-stricken. I caused the eleven guns and carriages found in the batteries to be destroyed, as they could not easily be removed; and I saw the stockade and barracks burnt. While these operations were on hand, the Mule Battery, 9-1st Cinque Ports Division, Royal Artillery, and 1st Battalion Royal Welsh Fusiliers, under the command of Brigadier-General Norman, C.B., landed, and by a circuitous march reached the east face of the stockade of Shing-boung-Well, where it had been reported that a large force had assembled. The stockade had, however, been deserted, and was burnt.

The force re-embarked late in the afternoon.

11. The leading steamers anchored that night above Toun-gwen, about 34 miles above Thayetmyo, and at daybreak on the 17th were directed to advance to Maloon and Patanago, about six miles on the right and left banks of the river respectively, and about forty miles from Thayetmyo.

12. As the garrison of Gwe-gyoun-Kamyo were busily employed in strengthening the works there, which are on the left bank about 44 miles from Thayetmyo, it was deemed advisable to attack at once. The troops present were therefore told off as follows:—

#### 1st Brigade.

Liverpool Regiment  
1st Madras Pioneers  
21st Regiment Madras Infantry  
25th Regiment Madras Infantry

Under Brigadier-General Foord, to march from Patanago, 8 miles, in order to attack the fort of Gwe-gyoun-Kamyo from the east.

The head-quarters were with the 1st Brigade. Brigadier-General White, C.B., V.C., who arrived somewhat later, to bring up the Cinque Ports Battery, Royal Artillery, and Hampshire Regiment in support of General Foord's brigade. The landing of the troops at Patanago could not be seen from the fort of Gwe-gyoun-Kamyo on account of intervening hills, and the landing of the brigade at Maloon could not, for a similar reason, be seen from Minhla.

13. The following troops—

12th Regiment Madras Infantry,  
2nd Regiment Bengal Infantry,  
11th Regiment Bengal Infantry,

under command of Colonel T. N. Baker, of the 2nd Bengal Infantry, were ordered to march from Maloon to endeavour to capture the *weonery*, or governor-general, in his palace west of Minhla, and were ordered to re-embark at Minhla, about 45 miles above Thayetmyo. Majors Macneill and Hall were attached as staff officers, and Commander J. Durnford, R.N., with three seamen of H.M.S. *Mariner* and three privates of the Royal Welsh Fusiliers, were attached to effect demolitions. Brigadier-General Norman, C.B., and the Royal Welsh Fusiliers had not arrived then, but he took command before evening of the brigade on the right bank.

14. The I.M.S. *Irrawaddy* and the launch *Kathleen* were directed to engage Gwe-gyoun-Kamyo at long ranges for two hours after the landing of General Foord's brigade, or till the

British flag should be hoisted at the White Pagoda of Gwe-Gyoun, half a mile east of the Kamyo.

15. The first brigade advanced from the landing place at Patanago at 10 o'clock, and marched for about two hours and forty minutes by a narrow path over the hills, and through the thick jungle, to the White Pagoda.

Two pickets of the enemy were driven in, but no resistance was made, the pickets retiring northwards; not to the fort. The Liverpool Regiment occupied the high ground east of the fort which commands the works, and the enemy being completely surprised by the fire of the soldiers from the east, when they were prepared for attack from the south, west, and north-west, but had not a gun bearing eastward, promptly fled by the north-west gate as the British soldiers advanced with a rush.

16. Of the 1,700 men who, under command of Moung Sanhla-Sin-Bo, garrisoned the fort in the morning, only Moung San-Hle-Sin Sva, the second-in-command, and a lieutenant, both dangerously wounded, and two wounded soldiers, remained in Gwe-gyoun-Kamyo; the other wounded men were carried off. Twenty-one guns and ordnance stores were found in the fort.

17. At 11 A.M. Colonel Baker's force left Maloon for the Woon's palace, and after an hour's march the skirmishers of the 12th Madras Infantry, which was the leading regiment, were suddenly checked by a heavy musketry fire from apparently thick and thorny jungle. While the 2nd Bengal Infantry turned the enemy's right flank, the 12th Regiment rallied, and, reinforced by the 11th Bengal Infantry, gallantly broke through the thorny screen, tore over the entrenchment and breastwork of carts and bamboos which concealed the enemy, and dislodged them from the village of Yinna.

18. Thence the brigade moved towards the position which contained the palace and Minhla Pagoda; the plinth of the latter was defended by field artillery and musketry; the country was difficult, and the enemy's fire was hot; but the brilliant leading of the officers, and the dashing onslaught of the men, prevailed against the undisciplined bravery of the Burmans, who broke and fled, leaving six guns as trophies to the victors. The 11th Bengal Infantry bore the brunt of the combat.

19. The brigade then advanced on Minhla redoubt as rapidly as possible by winding paths between gardens and enclosures,—the 12th Madras Infantry on the right, the 11th Bengal Infantry in the centre, and the 2nd Bengal Infantry on the left, under the fire of a 7-pounder, two wall pieces, and the musketry of the defenders.

Before the redoubt had been completely surrounded by the regiments which were trying to keep down the fire of the defenders, Lieutenant-Colonel R. J. B. Simpson, of the 12th Madras Infantry, getting together a few brave men of the 12th Madras Infantry and 11th Bengal Infantry, charged up a steep and broken ramp that led from the ground west of the work to the terreplein of the work. Foremost among the stormers were Lieutenants H. T. D. Wilkinson, 12th Madras Infantry, and W. K. Downes, 11th Bengal

Infantry, the former of whom was severely and dangerously wounded, receiving no less than five sword-cuts. A footing having been gained within the redoubt, supports immediately followed, and a hot fire was poured into the Burmans, some of whom found shelter in the casemates, whilst others escaped by the east gate, but only to meet the 2nd Bengal Infantry, to whose fire they were so exposed, that many were shot on land, and the remainder, having taken to the water, were either shot or drowned in the river. Within the redoubt were taken 276 prisoners, six guns of cast-iron, five brass rifled guns, and two wall pieces. The redoubt was prepared chiefly for attack on the river face. Our loss was 1 officer killed, 4 officers wounded, 3 men killed, and 23 men wounded. All the wounded, British and Burman, were on board the floating hospital that night. The enemy's loss was about 170 killed and 40 wounded.

20. The navy were employed first in engaging the Gwe-gyoun-Kamyoo for two hours; afterwards the *Irrawaddy* and *Kathleen* proceeded to attack the Minbla redoubt and a masked battery of four guns on the right bank that opened on them half a mile below the redoubt.

The service thus performed of attracting the attention of the Burmans was of great value to the force attacking by land.

21. On the 18th the detachments shown in

*Gwe-gyoun-Kamyoo*,  
1 company Liverpool  
Regiment.  
4 companies 2nd Bengal  
Infantry.  
1 company Bengal Sappers.  
*Minbla*,  
1 company Liverpool  
Regiment.  
2 companies 2nd Bengal  
Infantry.  
7 guns Bombay Mountain  
Battery.

the margin were detailed to garrison Gwe-gyoun-Kamyoo and Minbla respectively, and orders were given for the demolition of the former, and for the construction of defensive works for the latter.

The I.M.S. *Irrawaddy* and the *Palaw*, *Ngawoon*, and *Kathleen* were sent ahead to reconnoitre. The Italian officers, Camotto and Captain Molinari, surrendered to Commander Carpenter, R.N., of the *Ngawoon*.

22. On the 19th November the force advanced to Menbo, 58 miles from Thayetmyo. A barge containing two 6.3" howitzers was unavoidably lost.

23. On the 20th November the force advanced to Yay-naug-Gyong, 78 miles from Thayetmyo.

24. On the 21st November the force advanced to Silaymyo, 115 miles from Thayetmyo.

25. On the 22nd November the force advanced to Pagan, 145 miles from Thayetmyo. The I.M.S. *Irrawaddy* and the *Ngawoon*, *Palaw*, *Yunan*, and *Kathleen* engaged the enemy's battery on a cliff at Nyoun-goo, were uninjured by its fire, drove the enemy from it, and having landed a party, destroyed eleven guns and secured two King's steamers that the enemy had sunk; a flat that had been towed by them was found aground some miles below Pagan. These vessels would have been sunk in the channel if the enemy had had time to place them there.

2 companies Liverpool  
Regiment.  
2 guns Bombay Mountain  
Battery.  
No. 5 Company Bengal  
Sappers.  
4 companies 11th Bengal  
Infantry.

26. On 23rd November the troops shown in the margin were landed at Pagan, and the force advanced six miles.

27. It may be well here to describe the usual formation of the force during the advance. The I.M.S. *Irrawaddy*, with the *Kathleen*, took up station some miles ahead to reconnoitre; the *Ngawoon*, commanded by Commander Alfred Carpenter, R.N., followed to survey and buoy the deep water channels; then came the head-quarter steamer *Doooon*, and, following her in succession, the *Palaw*, *Yunan*, *Ananda*, *Ataran*, *Panthay*, *Shoaymyo*, *Burma*, *Shinta-sawbo*, *Ashley Eden*, *Yankentoun*, *Irrawaddy* (Irrawaddy Flotilla Company's), *Aloung-Pyah*, *Thoorah*, *Talifoh*, *Rangoon*, *Mindoon*, *Pantlang*, and *Vaikema*, in single column line ahead at two cables distance. Owing to the difficulty of the navigation, the steamers frequently went aground, and it was not easy to keep station. Communication was maintained in a great measure by the military signallers under Lieutenant-Colonel Begbie, of the Madras Army, and their devotion to duty by day and by night was most praiseworthy. Without them it would have been impossible to carry on operations with the necessary rapidity, as there were but few launches with the force, and they were in constant motion.

28. During the night the fleet was anchored in the same order at a distance of one cable apart, and two armed steam-launches, manned by blue-jackets, were sent a mile ahead as guard-boats with fire-granades and blue-lights on board. Crews were also held in readiness to man all the boats of the Naval Brigade to proceed, if necessary, to their assistance with gun-cotton charges, &c., so that any floating obstacle might at once be destroyed or towed into the bank.

29. On the 24th November the Hampshire Regiment and Sappers landed at Kounynwa, 166 miles above Thayetmyo, to drive the enemy from his entrenchments, and to carry off the guns from a battery that had fired on the *Ngawoon*, survey ship, the previous evening, and had been silenced by the accuracy of her fire. There were no casualties last night or this morning.

30. The force then proceeded to an anchorage near Magyan, 180 miles from Thayetmyo, whence the enemy could be seen in considerable force at a stockade about three miles from the left bank of the Irrawaddy below Mingyan. Gold umbrellas were to be seen moving about in the stockade, and columns of soldiers, dressed some in scarlet, some in white, were evidently marching towards the river.

31. Captain Woodward, R.N., gives the following graphic description of what followed.

"The Naval Brigade, assisted by the Royal Artillery in the *Hate Saan*, with the *Yunan* and a gun barge with the *Ataran*, were ordered to engage. Fire was opened from the *Palaw*'s barge, and taken up by the other ships. On nearing the bank small improvised batteries were found armed with small guns and riflemen. A hot fire was kept up for some time, the enemy retreating into the tall grass in rear of the batteries. The ships slowly advanced, silencing the batteries as they proceeded. On nearing the upper end of the town the enemy was found to be strongly entrenched, and supported by a battery commanding the river. The enemy here showed a more determined resistance, and it was not until 6 P.M. that the fire slackened.

During the night occasional shots were fired, and the enemy was finally dislodged and routed at daylight next morning."

32. Late in the evening the *Kathleen* returned from her station in front to the headquarters ship, and orders were issued for the landing of the troops on the morrow.

33. On the 25th November part of the force disembarked to dislodge the enemy, who were commanded by the celebrated Hle-Thin, Atwin-Woon, from his entrenchments; but finding that his ingeniously constructed works that commanded the river were deserted, and hearing that the rear-guard had left the stockade inland, twenty guns were destroyed, and the troops re-embarked.

The detachment detailed in the margin was left in the entrenchments that had been laid out, and commenced during the day by the sappers and pioneers. The force then advanced to Yandabo, 194 miles from Thayetmyo, the headquarters ship anchoring opposite the tree under which the treaty of Yandabo was signed in 1826.

34. At daylight, on the 26th November, a large flat drifted down towards the fleet; she was caught and sent to Mingyan. At 7-30 A.M. the fleet, having been delayed by fog, started and passed through a line of boats filled with stones prepared for sinking. These boats were cast adrift before the steamers towing flats advanced.

35. At 4 P.M., on the 26th of November, near Nagoun, 223 miles from Thayetmyo, a Burman state barge, flying the King's flag at the stern, and a flag of truce at the bow, paddled down the stream, was taken in tow by one of the steam-launches, and brought alongside the *Donaona*, headquarters ship. In the barge were—

- (1) Myoung Shouy-ak Kyook Myoung, Atwin Woon, the Minister of the Interior.
- (2) Oo-Shouy-ak Watima Soot, Woondouk.

Colonel Sladen met the envoys at the gangway, and, after being presented to me, they produced a note, unsigned, in a cover bearing the Royal Peacock seal, of which the following is a translation—

Dated 4th decrease of Lasoungnon, 1247 (= 15th November, 1886).

From—His Excellency the Prime Minister,

To—The Commander-in-Chief of the English War Vessels.

"1. Although the treaty negotiated at Simla was not concluded, the Burmese Government were under the impression that the former friendly conditions would still prevail, and they could not, therefore, believe that the English Government would make war on Upper Burma.

"2. The Burmese Government have always had at heart the welfare and prosperity of the English people. They have all along protected the interests of the Irrawaddy Company's teak trade, and the general interests of all British subjects.

"3. We are desirous of still further protecting British interests as far as lies in our power, both at present and in all future time.

"4. The last letter (ultimatum) forwarded by the British Government contained very

important political matter, and our sovereign regrets that the time allowed was too short to allow of serious deliberation.

"5. The English Government ought to have known that the only reason why the Burmese Government in their reply to the said letter did not freely concede all the demands made was because we were not allowed sufficient time for deliberation. It must have been apparent from the tenor of our reply that the Burmese Government was desirous of remaining on terms of amity and friendship.

"6. The Burmese Government did not wholly reject the rights and privileges claimed by the British Government, and we are grieved to find that the English Government, which has always been so friendly, should in the present instance have made immediate war on us. We have simply resisted in order to maintain the reputation of the kingdom and the honor of the Burmese people.

"7. The English are renowned for their just and straightforward action in all matters (political). We look forward, therefore, with confidence to their doing what is just and proper in the present instance.

"8. The country of Burma is one which deserves justice and consideration. We believe that it will receive this consideration at the hands of the English Government.

"9. If this is granted, the kingdom of Burma need not be annexed. It is well to remember, too, that on a former occasion Her Most Gracious Majesty the Queen-Empress was pleased to declare publicly that there was no intention on the part of the English Government to annex Burma, unless such a step was necessitated on good cause shown. As no such cause exists, the Great Powers of Europe should not have it in their power to say that the Royal declaration has not been faithfully observed.

"10. In addition to the rights and privileges already granted in our reply to your ultimatum, His Majesty the King of Burma has now declared his will to concede all the other demands which were not at first allowed, because we had not the sufficient time to bring them under our consideration.

"11. His Majesty the King is well disposed (in mind and heart),—he is straightforward and just, and expects the English Government will act in accordance with the wishes expressed in this letter.

"12. By so doing, the world will have no cause to say that the English Government have acted unjustly, or with a disregard of the rules of international law.

"13. The English Government entered our country and attacked us with a number of war vessels. We were obliged to resist. We now desire that hostilities shall cease, and we trust the English Government will meet us half-way, and enter into a treaty by which friendly intercourse may be resumed between the two great countries."

To which the following reply was sent.—

"General Prendergast begs to inform the Ken-Woon-Mengyi, in reply to his letter of this date, that, acting in accordance with the instructions he has received from the Viceroy and Governor-General of India, it is quite out of his power to accept any offer or proposal which

would affect the movement of the troops under his command on Mandalay.

"No armistice, therefore, can be at present granted; but if King Theebaw agrees to surrender himself, his army, and his capital to British arms, and if the European residents at Mandalay are all found uninjured in person and property, General Prendergast promises to spare the King's life and to respect his family.

"He also promises not to take further military action against Mandalay beyond occupying it with a British force, and stipulates that the matters in dispute between the countries shall be negotiated on such terms as may be dictated by the British Government.

"A reply to this communication must be sent so as to reach General Prendergast by 4 A.M. to-morrow."

By order,

E. B. SLADEN, Colonel,

S.S. 'DOOWOON,'

Chief Civil Officer,

The 26th November, 1885.

Burma Field Force.

36. While the note was being translated, the envoys stated that the Europeans in Mandalay were uninjured. As both notes had to be translated, and copies of the letter in English and Burmese were requisite, the interview lasted about an hour. The *Doowoon*, which had been leading the column, eased speed, and allowed the fleet to pass on, so that the Burman officials could form some estimate of the British force, and might feel assured that time would not be granted for diplomacy.

37. After the interview Colonel Sladen, with half-a-dozen sailors of the Royal Navy, boarded a King's war steamer that had been guarded by the *Kathleen* till his arrival. The envoys ordered the crew to surrender her. She flew the Burmese standard, was armed with six guns, her decks were barricaded, she had Burman soldiers on board, and was lying with steam up, close to the shore. When the steamer approached most of the soldiers deserted, but 57 of them were made prisoners, and a party of the *Kathleen's* crew took possession of her and brought her up to the fleet. She is in good order and a valuable prize.

38. The fleet anchored seven miles below Ava. Orders were issued for the attack on Ava.

39. On the 27th November the force advanced at daylight, but was delayed for an hour-and-a-half by dense fog. After the landing place below Ava had been sighted, the envoys again came in their gilded boats with 40 rowers, bearing a royal mandate received by telegraph, of which the following is a translation:—

NO. 1 SENT BY ROYAL ORDER.

From the *Illet Dac to Gs Hmoo, Atwin Woon; Pen Mya-a Maythil, Atwin Woon; Kyauk-Myoung, Atwin Woon; Wet Ma Soot, Woondouk; Pendalun, Woondouk.*

"When the English ships arrive you are on no account to fire on them. Let all the troops keep quiet. Publish this abroad everywhere. The King concedes unconditionally to all the demands made by the Commander of the English Forces as contained in his letter of yesterday's date. You are to let the English Commander know this as quickly as possible."

40. In addition to the redoubt of Ava, the fortified walls of Ava, the Sagain redoubt, and the redoubt of Thabyadan, other entrenchments and batteries had been prepared, and the river had been blocked from bank to bank, so that our vessels and troops might be detained under the fire of the enemy's artillery.

41. Having explained to the envoys that I could not leave a large force with artillery in my rear, I demanded the immediate surrender of the arms in Ava and the adjacent works. They considered reference to Mandalay necessary on this point; but, while awaiting the reply, the envoys accompanied me on board the *Palow* to point out the easiest place for making a passage through the barrier; and the *Palow* advanced to Ava, the other ships keeping station.

42. After a channel had been found and buoyed out by Commander Carpenter, R.N., I again demanded the arms, and when there was still delay I signalled to the ships placed under Captain Woodward's orders to prepare to engage the batteries, and to the troops to land.

On this one envoy went on shore, and at once returned with the royal mandate for the surrender of the arms.

43. Colonel Sladen went on shore at Ava, with the envoys, to give orders for the guns and muskets to be relinquished quietly; the Royal Welsh Fusiliers landed, and the Burmans, filing past, laid hundreds of muskets, rifles, and swords at their feet; and fatigue parties of his brigade were employed by Brigadier-General Norman till after dark in carrying off guns from the batteries and small arms from the places where they had been laid down. So at Sagain and Thabyadan, the guns and small arms were taken by Brigadier-General White and his brigade on the afternoon of the 27th, and early on the 28th all the disbanded soldiers were set free. A return of ordnance captured is appended.

44. The three redoubts were designed and built by the Italian Barbieri. Those of Ava and Thabyadan are provided with excellent casemates. Sagain and Ava redoubts are very well placed for disputing the passage of the river at the point where the fair way is contracted by natural rocks and shoals.

45. On the 28th November the force advanced to Mandalay. No soldiery appeared, but thousands of peaceful Burmans crowded to the bank to see the fleet. In the afternoon the force marched unopposed to the palace, and took charge of the gates of the city and palace. Colonel Sladen had a long interview with the King in the palace. Brigadier-General White, C.B., V.C., remained with the Hazara Battery, Hampshire Regiment, and 1st Pioneers to guard His Majesty.

46. On the 29th November, at 2 P.M., accompanied by my staff and the principal ministers of State, I visited the King in a pavilion within the precincts of the palace, and assured him that it was for the good of his country that he should leave it without delay. The Queen-mother and Queens were present during the interview. At 3-30 P.M. Theebaw and the ladies of his family were led forth from the palace through the throne-room, between avenues of British soldiers, to the bullock carriages prepared to carry them to the S.S. *Thoorah*,

in which, guarded by two companies of the Liverpool Regiment, and escorted by the *Nga-woon*, manned by the Royal Navy, they were conveyed to Rangoon.

Brigadier-General Norman, C.B., commanded the escort consisting of No. 9-1st Brigade, Cinque Ports Division, Royal Artillery, the Mounted Infantry corps, Royal Welsh Fusiliers, and the 23rd Madras Light Infantry.

47. At Mandalay were captured not only 1,177 guns, 369 wall pieces, and 6,723 stand of small arms, but also the royal dockyard, powder factory, saw mills, gun factory, arsenal, and powder magazine, some crown jewellery, and more than a lakh of peacock rupees.

48. A return of casualties, from all causes, will be forwarded with the next despatch. The enemy's casualties included about 180 killed, 333 prisoners, and 100 wounded, but cannot be correctly estimated.

H. N. D. PRENDERGAST,  
*Lieut.-General,*  
*Commanding Burma Field Force.*

Appendix A.

Return of casualties at Moulala and Gwe-gyoun-Kamyo, 17th November, 1886.

Corps.	Rank and Name.	Date.	Particulars.	Place.
11th Bengal Infantry.	Lieut. R. A. T. Dwyer	17th Nov.	Killed; shot in thigh.	Moulala.
	Sepoy Dasabehn Singh	"	Killed; shot in head.	
	" Kun, an	"	Killed; shot in thigh.	Moulala.
	" Sa, al Mir	"	Killed; shot in chest.	
12th Madras Infantry.				
Staff.—Deputy Assistant Adjutant and Quartermaster-General.	Major J. G. R. D. Smith, Madras Staff Corps.	17th Nov.	Wounded, knee and ankle, severe.	Moulala.
Liverpool Regiment.	Private A. Crawshaw	"	Gunshot wound, leg.	Gwe-gyoun-Kamyo.
and Bengal Infantry.	Sepoy Dhoond Singh	"	Thigh, severe.	Moulala.
	" A. J. J. J. J. J.	"	Pains, slight.	
	Havildar Bh. wat Khan	"	Abdomen, dan	
	Sepoy M. H. A. A.	"	Chest, severe.	
	" K. A. J. J. J.	"	Arm of left arm.	
	" H. S. J. J. J.	"	Thigh wound.	
	" B. A. J. J. J.	"	Wounded in	
	" H. S. J. J. J.	"	Wounded in face.	
	" A. J. J. J. J.	"	Wounded in leg.	
11th Bengal Native Infantry.	" M. J. J. J. J.	"	Wounded in neck, severe.	
	" S. J. J. J. J.	"	Superficial wound, thigh.	
	" M. J. J. J. J.	"	Superficial wound, hand.	
	" Bahadur Singh	"	Muscular wound, leg.	
	" H. J. J. J. J.	"	Severe thigh wound.	
	" S. J. J. J. J.	"	Fore arm and hand.	
	" R. J. J. J. J.	"	Right hand, slight.	
	" D. J. J. J. J.	"	Thigh, severe.	
	Lieut. A. T. Young	"	Wounded left hand.	Moulala.
	" C. J. A. Sillery	"	Gunshot wound thigh, severe.	
	" H. T. D. Wilkenson	"	Back wound, hand, severe.	
12th Madras Infantry.	Sepoy Ghool Reg	"	Contused wound of chest, slight.	
	" Ramanah	"	Gunshot wound neck, slight.	
	" S. J. J. J. J.	"	Gunshot wound thigh, severe.	Moulala.
	" S. J. J. J. J.	"	Grazed wound, face, slight.	
	" V. J. J. J. J.	"	Grazed wound neck, slight.	

Appendix B.

Return of ordnance captured by Expedition.

Place.	IRON.		FIRE-ARMS.	WALL-PIECES.	BRASS MORTARS.	Total.	Remarks.
	Small-bore.	Large-bore.					
Nyong-ben-Maw	8					8	Destroyed by Commander Durnford, R.N.
Gwe-gyoun-Kamyo	12		6	3		21	Collected and destroyed by Royal Engineers.
Moulala	16		6	3		24	Four on board <i>Pan-thay</i> , remainder on board flat alongside <i>Thoue-ah</i> .
Nyoun-gon (Pagan)	5		2	4		11	To be collected by Lieutenant Stewart, Bombay Mountain Battery.
Mingyan	21					21	Destroyed by Naval Brigade, except three embarked in S.S. <i>Durston</i> .
Pakako (Kanywa)	7					7	Destroyed by Naval Brigade.
King's store (Nay-mo-ah)	6					6	
A. J. J. J. J.	3					3	Embarked in S.S. <i>Thoue-ah</i> for Rangoon.
A. J. J. J. J.	25					25	
A. J. J. J. J.	21					21	Embarked in S.S. <i>Durston</i> for Rangoon.
Sagun	11		3	5		19	Embarked in S.S. <i>Durston</i> for Rangoon.
T. J. J. J. J.	12		7	3		21	Embarked in S.S. <i>Durston</i> for Rangoon.
Mandalay Palace	21	8	15	6	17	67	Embarked in S.S. <i>Durston</i> for Rangoon.
" " " "	2					2	
" " " "	7					7	
" " " "	6					6	
" " " "	11		2			13	
" " " "	15		3			18	
Mingyan	1					1	Destroyed after occupation of Mingyan.
Grand Total						1,782	

No. 1465-A, dated Simla, 28th April, 1886.

From: Major-General Sir I. D. BAKER, K.C.B., Adjutant-General in India.

To: The Secretary to the Government of India, Military Department.

With reference to this office No. 1465-Camp of 3rd February, 1886, submitting a despatch from Lieutenant-General Sir Harry Prendergast, relative to the military operations in Upper Burma, and to the report of Major-General Buck with regard to the operations in Lower Burma, received under Military Department No. 352-B-B, dated 5th March, 1886, I am now directed by the Commander-in-Chief to forward, for submission to the Government of India, the accompanying despatch from Lieutenant-General Sir Harry Prendergast, in which the services of the officers and troops engaged in the campaign are brought to notice.

2. The Commander-in-Chief considers that the eminent success which attended this expedition is attributable to the able manner in which the General Officer Commanding carried out his instructions, to the gallant and good service of the officers and troops engaged, and to the efficient organization of the force.

3. The Commander-in-Chief has much pleasure in bringing to the notice of Government the excellent service rendered by the Royal Navy and Royal Marines, and their cordial co-operation, which tended greatly to the success of the expedition.

4. In conclusion, I am directed to state, for the information of Government, that in a supplementary despatch received from General Prendergast, dated 31st ultimo, the following officers have been brought to notice :—

Captain V. A. Schaleh, 11th Bengal Infantry, for good service rendered as Brigade-Major.  
 Lieutenant C. P. Fendall, Royal Artillery.  
 Lieutenant W. H. Dobble, 20th Madras Infantry.

Dated Rangoon, 26th March, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST,  
 K.C.B., V.C., Commanding Forces in Burma,

To—The Adjutant-General in India.

1. In continuation of my despatch, dated 14th January, 1886, reporting the operations of the Burma Expeditionary Force from their commencement to the surrender of Mandalay on 29th November, 1885, I have the honor to solicit a reference to my journal of operations since that date, from which it will appear that the important town of Mogoung, Bhamo, and Shwebo have been occupied to the north of Mandalay, and the stations of Ningyan, Yema then, Mahline, and Kyouksai established to the eastward towards the Shan frontier; Ava, Sagaun, Atoung, and Tongdwingyee being furnished with detachments. Several subsidiary posts have also been located in places where the presence of troops has been considered desirable.

2. The object in establishing these stations and posts has been the assertion throughout the country of our military ascendancy, the maintenance of our lines of communications, the repression of dacoity, and the protection of the well-behaved inhabitants.

Though the work upon which the troops has been engaged has been of an important and arduous nature, it was not such as to render necessary special detachments from the regiments to the various minor affairs which have occurred in different parts of the country.

3. The rapid success which attended the expedition to Mandalay was mainly due, firstly, to the efficient organization of the force employed; secondly, to the very complete information on record regarding the country and its resources; and, thirdly, to the hearty and efficient co-operation of all those who were engaged in the campaign.

4. To the officers, soldiers, and sailors of the Burma Expeditionary Force my acknowledgments are due for willing obedience and cheerful discharge of duties under varied and often trying conditions of service.

Discipline has been well maintained throughout.

5. I would now submit, for the favorable consideration of His Excellency the Commander-in-Chief and of Government, the names of officers and others who have more specially assisted me in the conduct of this campaign :—

Major-General L. W. Buck, Commanding the British Burma Division, who most loyally cooperated with me in preparing the force for service in Upper Burma, and subsequently organized the column which operated from Toungoo.

Brigadier-General F. B. Norman, C.B., Commanding the 3rd Brigade.

Brigadier-General H. H. Foord, Commanding the 1st Brigade.

Brigadier-General G. S. White, C.B., V.C., Commanding the 2nd Brigade.

To each of these officers and to their staff my thanks are due.

The judgment and military experience of Brigadier-General Norman, C.B., were highly valuable, and fully justified me in entrusting the command at Bhamo to him at a critical juncture.

To Brigadier-General Foord was entrusted the duty of capturing the redoubt of Gwe-gyoung-Kamyo.

Brigadier-General White commanded at Mandalay during my absence at Bhamo, and by his energy and determination succeeded in quelling the insurrection around Mandalay. He is an officer of high military capacity.

Colonel D. Shaw, Madras Staff Corps, Commanding at Thayetmye, protected my base at Thayetmye by energetic action against the insurgents on the frontier.

Colonel T. N. Baker, 2nd Bengal Light Infantry, commanded effectively the column that successfully attacked Minhla on the 17th November, 1885, and has since then commanded the garrison at that station.

Colonel W. Carey, R.A., commanded the Royal Artillery during the campaign. From the first organization of the siege train, he has been conspicuous by the zeal and ability which he has brought to bear on all matters connected with his arm of the service. He also contributed materially to the Intelligence Branch by publishing notes taken when he was on a visit to Mandalay a short time before the declaration of war.

Colonel P. H. F. Harris, 11th Bengal Infantry, gallantly commanded his fine regiment at Minhla, and has commanded the garrison of Mingyan since its establishment. He has shown great energy and zeal in organizing flying columns for the pacification of the district, and has been well supported by the officers and men of the detachments.

Colonel G. E. L. S. Sanford, R.E., Commanding Royal Engineer to the Force, has afforded me, in addition to his professional assistance, very efficient aid as Chief Engineer of Public Works after the occupation of Mandalay. As a staff officer he is invaluable.

Colonel H. M. Bengough, Assistant Adjutant and Quartermaster General, so organized the staff and conducted his duties that there has been no friction. He is an officer remarkable for energy, tact, zeal, and knowledge of military affairs.

Colonel W. P. Dickon, Madras Staff Corps, Commandant, 3rd Madras Light Infantry, commanded the Tonghoo column, and achieved a rapid and well merited success.

Colonel J. C. Auchinleck, R.A., has commanded the line of communication with firmness and discretion.

Colonel John Tilly, Commanding the 1st Battalion Royal Welsh Fusiliers, has commanded his battalion with zeal and ability, and when entrusted with an independent command accomplished satisfactorily the duty confided to him.

Colonel W. H. B. Kingsley, Commanding the 2nd Battalion Hampshire Regiment, returned to his post from sick leave at the earliest opportunity, and has ably commanded his regiment,

which has done excellent service throughout the late operations.

Colonel A. A. LeMesurier, 2nd Battalion "The King's" Liverpool Regiment, has commanded his battalion throughout the recent operations, and has been successful in action as commander of a field column.

Deputy Surgeon-General J. McN. Donnelly, I. M. D., as Principal Medical Officer of the Force, has organized and administered the very efficient hospital arrangements, afloat and ashore, to my satisfaction.

Lieutenant-Colonel W. T. Bulgen, R.A., deserves credit for the good service performed by him and the officers and men of the Royal Artillery under his command.

Lieutenant-Colonel A. F. Laughton, Assistant Commissary General, in Commissariat charge. To this officer and to the officers and men of the Department my acknowledgments are specially due.

Owing to the numerous columns furnished by the force, the strain on this Department has been unusually severe; but no instance of failure has occurred, and this can only be attributed to the untiring zeal and energy of Lieutenant-Colonel Laughton and his subordinates.

Lieutenant-Colonel J. H. Goudon, Commandant, 23rd Madras Light Infantry, deserves credit for the admirable state of the regiment which he commands, and has distinguished himself when in command of field columns.

Lieutenant-Colonel M. Protheroe, C.S.I., Deputy Assistant Adjutant and Quartermaster General, served on the staff, of which his ability, industry, tact, temper, and judgment made him an invaluable member, and by his knowledge and official experience has lent valuable aid to the Department.

Lieutenant-Colonel R. J. B. Simpson, 12th Madras Infantry, commanded the assaulting party at Minhla redoubt, and conducted the attack on the rebels at Kabe on 13th January, 1886, when severely wounded.

Lieutenant-Colonel E. W. Begbie, Madras Staff Corps, has been in charge of the Army Signalling of the Force. I have already in my former despatches had the honor to place on record the great value that the expedition has derived from visual signalling throughout the campaign. Lieutenant-Colonel Begbie, by his sustained personal interest in and unremitting personal superintendence of the working of his Department, has conducted much to the successful results attained.

Lieutenant-Colonel J. G. R. D. Macneill, Madras Staff Corps, Deputy Assistant Adjutant and Quartermaster General, conducted the duties of the Intelligence Department until wounded when acting as guide to the column at the attack on Minhla. It is to this officer's previous labours in the Intelligence Branch that I was indebted for the very complete information afforded me from the office of the Quartermaster-General in India.

Lieutenant-Colonel G. Baker, Hampshire Regiment, commanded the battalion till the arrival of Colonel Kingsley after the surrender of Mandalay, and has been twice selected for the command of detached columns.

Major F. W. Hemming, 5th Dragoon Guards, Deputy Assistant Adjutant and Quartermaster General, took over the charge of the Intelligence Department on his joining the force, and showed zeal and activity in acquiring and formulating information.

Major (now Lieutenant-Colonel) R. F. Williamson, Royal Welsh Fusiliers, admirably commanded the detachment at the important post of Shwebo. In this command he displayed high military qualities, fought four successful actions with the rebels, and did much to secure the pacification of the district.

Major W. P. Symons, Deputy Assistant Adjutant and Quartermaster General, has proved himself possessed of the highest qualifications for staff duties in the field and in the office, and merits recognition.

Major H. P. Law, Royal Scots Fusiliers, commanded for some months the Townagdwingyee column with signal boldness and success.

Major R. H. T. Hill, Madras Staff Corps, as Director of Transport to the Force, has rendered valuable service. Great demands were made on the Transport Department for the many flying columns despatched for the suppression of rebellion, and thanks to Major Hill's energy and resource in organizing a local transport, the wants of the Expeditionary Force have been satisfied.

Major W. B. Warner, and Madras Lancers, commanded the first cavalry detachment sent to Upper Burma. He has on several occasions been selected for the command of columns, and has exhibited zeal, energy, and knowledge of his profession.

Major E. C. Browne, Royal Scots Fusiliers, personally organized a body composed of Mounted Volunteers, Mounted Infantry, and Mounted Native Police for service with the expedition,—a force which proved itself of great utility.

Major A. J. Shead, 11th Bengal Infantry, commanded the detachment at Pagan, and successfully operated against the insurgents in the district.

Major E. P. O'Mahoney, 11th Bengal Infantry, successfully commanded a column against the enemy near Mongyan.

Major C. H. Sheppard, 11th Madras Infantry, officiated as Deputy Judge Advocate to the Force, in the absence of any regularly appointed officer of that Department.

Major J. E. Collins, 20th Hampshire Regiment, for skill and energy in command of several expeditions against the enemy near Mandalay.

Major C. C. Campbell, 23rd Madras Light Infantry, commanded the expedition sent up the Chindwin to Kaudat in December 1885, and showed much ability and perseverance in carrying out his mission.

Major C. W. Walker, 10th Madras Infantry, performed the duties of Deputy Assistant Adjutant and Quartermaster General efficiently, both in the field and in quarters.

Captain A. R. F. Dorward, R.E., commanded the Queen's Own Sappers and Miners, and was a most efficient field engineer. He showed eminent qualifications for command when selected to command a mixed force in the field.

Captain R. L. Milne, Deputy Assistant Adjutant and Quartermaster General, is a staff officer of merit and deserving of recognition.

Captain D. A. A. Macpherson, Field Paymaster, has conducted the duties of his Department with much ability and courtesy.

Surgeon-Major C. Sibthorpe, in medical charge of the Head-Quarter Staff, has shown himself always ready to afford any professional or personal assistance in his power.

Captain R. O. Lloyd, R.E., owing to his knowledge of the Burmese language, was very valuable as a field Engineer. He was severely wounded.

Captain W. Aldworth, Bedfordshire Regiment, has not only efficiently performed the duty of Aide-de-Camp, but has also given me most valuable assistance as Military Secretary.

Lieutenant G. A. Ballard, R.N., proved a most efficient Aide-de-Camp. His knowledge of his profession and his willing assistance as Secretary were of great advantage to me.

Lieutenant C. D. Learoyd, R.E., was a most useful orderly officer. His professional knowledge and skill as a surveyor enabled him to perform valuable service with detached columns.

Captain T. P. Cather, R.E., is an invaluable Transport Officer, and has remarkable talent for organizing and commanding men.

The following junior officers have been brought to notice by Officers Commanding Brigades and Heads of Departments in the Force, and I would hope that His Excellency the Commander-in-Chief will be pleased to take them into his favorable consideration:—

Captain R. A. P. Clements, South Wales Borderers, Brigade Major, severely wounded.

Captain M. C. Burton, R.E.

Captain J. P. Paton, 11th Madras Infantry.

Lieutenant W. K. Downes, 11th Bengal Infantry; distinguished gallantry at Moulm.

Lieutenant G. J. Angelo, 23rd Madras Infantry.

Lieutenant J. A. Tanner, R.E.

Lieutenant H. B. Potter, 24th Madras Infantry, Transport Officer.

Lieutenant P. M. Carnegie, 12th Madras Infantry, severely wounded.

Lieutenant W. A. Carnegie, R.E.

Lieutenant R. D. Burton, 2nd Madras Lancers.

Lieutenant P. R. Muckle, Royal Warwickshire Regiment, Transport Officer.

Lieutenant W. R. H. Bernard, Royal Welsh Fusiliers.

Lieutenant H. V. Cox, 21st Madras Infantry.

Lieutenant G. H. H. Couchman, Somersetshire Light Infantry.

Lieutenant H. L. H. Worlinton, 15th Madras Infantry, dangerously wounded; distinguished gallantry at Moulm.

Lieutenant H. L. Dodgson, 2nd Bengal Infantry.

Lieutenant R. D. Anderson, Royal Artillery.

Lieutenant R. C. B. Haking, 2nd Hampshire Regiment.

Lieutenant J. R. Duns, 2nd Hampshire Regiment.

Lieutenant R. I. Forbes, 2nd Hampshire Regiment.

Lieutenant B. Holloway, 2nd Madras Lancers.

Lieutenant A. P. D. Harris, 11th Bengal Infantry, success in command of a detachment.

Lieutenant A. P. G. Gough, Royal Welsh Fusiliers.

Lieutenant W. A. J. O'Mara, R.E., severely wounded.

Lieutenant C. C. A. Sillery, 12th Madras Infantry, severely wounded.

Lieutenant R. A. T. Dury, Bengal Staff Corps, attached to 11th Bengal Infantry, killed.

Lieutenant H. T. Brooking, 21st Madras Infantry.

Lieutenant L. de R. Jervis, Royal Welsh Fusiliers.

Lieutenant J. H. Gwynne, Royal Welsh Fusiliers, severely wounded.

Lieutenant O. G. K. Agnew, 4th Battalion Royal Scots Fusiliers, Transport Officer.

6. I trust the European warrant officers, non-commissioned officers and privates, and the native officers, non-commissioned officers and men mentioned by Brigadier-Generals Commanding and Heads of Departments will receive suitable recognition of their services.

7. The Revd. E. T. Beatty and the Chaplains of the Church of England and Priests of the Church of Rome appointed to serve with the force have shown much zeal and earnestness in the discharge of their duties.

8. To Captain R. Woodward, R.N., and to the officers and crews of the Naval Brigade serving under his orders, my thanks are specially due for valuable co-operation rendered afloat and ashore with the heartiness and thoroughness characteristic of the Royal Navy.

To Captain Woodward personally I am indebted for the energy, willingness, and professional skill continuously placed at my disposal.

I would beg to endorse the recommendations of Captain Woodward of the officers and men serving under him, hoping that the services of Commander W. R. Clutterbuck, R.N., Commander J. Durnford, R.N., Commander C. J. Barlow, R.N., and Lieutenant F. P. Trench, R.N., may receive special recognition.

Commander Clutterbuck, in command of Her Majesty's L.M.S. *Investigator*, in concert with Lieutenant Trench, in command of the steam-launch *Kathleen*, gallantly captured a King's steamer under the fire of a battery at the outset of the campaign, and from that time to the occupation of Mandalay these two officers have led the van of the river fleet.

Commander Durnford served on my staff until the occupation of Mandalay, and his tact, energy, and professional knowledge were of great service to me.

Commander C. J. Barlow's march of 120 miles through the country with a detachment of blue-jackets reflects great credit on that officer and his party.

The manner in which Commander A. Carpenter, Her Majesty's L.M.S. *Investigator*, conducted the duties of the river survey, is deserving of special recognition, and his labours will, I am convinced, prove to be of great practical value.

Major W. M. Lambert, Royal Marine Artillery, and the non-commissioned officers and men of the Royal Marines attached to the Naval Brigade, have lent me very willing assistance whenever possible.

9. The officers and men of the Indian Marine have worked admirably throughout the expedition, and I trust some recognition of their excellent services may be afforded to the following officers:—

Captain A. Campbell, Her Majesty's Indian Marine.  
Mr. C. W. Howell, 1st Grade Officer, Indian Marine.

Mr. H. S. Black, 1st Grade Officer, Indian Marine.  
Mr. W. Chandler, 1st Grade Officer, Indian Marine.  
Mr. G. A. Lee, 1st Grade Officer, Indian Marine.  
Mr. G. L. E. Mullins, 1st Grade Officer, Indian Marine.

Captain A. Campbell, Her Majesty's Indian Marine, as Senior Marine Transport Officer, was of invaluable service in organizing and marshalling the large fleet of river steamers that conveyed the force to Mandalay.

10. I would beg to tender my sincere acknowledgments to Mr. C. E. Bernard, C.S.I., Chief Commissioner of British Burma, for the hearty support and co-operation which he has extended to me

from the commencement of the expedition; and to Colonel Sladen my thanks are due for the able assistance which his extended acquaintance with Upper Burma has enabled him to place at my service.

11. I would also wish to acknowledge the services of Mr. Kennedy, the Manager of the Irrawaddy Flotilla Company, and of the Commanders and crews of the steamers of the Company, who by their skill and willing co-operation have contributed so much to the safety and comfort of the troops and to the success of the expedition.

12. I would solicit the attention of His Excellency the Commander-in-Chief to the special opportunities afforded by this campaign in its latter phases to officers of comparatively junior rank to show the military qualities that they possess, owing to the great number of independent minor operations which have been undertaken. It has thus been possible to select a considerable number of junior officers as deserving of special notice, and I trust that each may obtain some recognition of his services.

As regards the officers of the Madras Army thus brought to notice, I would venture to invite His Excellency the Commander-in-Chief to bear in memory that the Coast Army has lately had few opportunities of seeing service, and I would very respectfully submit that the present is a favorable opportunity to give promotion to comparatively young officers who may appear to merit it, thus infusing a new life into the army without injury to the professional feeling of those who have not been fortunate enough to participate in the campaign.

\* From Brigadier-General Ford, dated 10th January, 1886.

From Colonel W. Carey, R.A., Commanding Royal Artillery.

From Principal Medical Officer, Burma Field Force, No. 41, dated 4th February, 1886.

\* From Officer Commanding Shwabo, dated 14th February, 1886.

From Commanding Royal Engineer, Burma Field Force, No. 84C, dated 13th February, 1886.

From Superintendent, Signalling, Burma Field Force, dated 9th February, 1886.

From Officer Commanding Pagan, dated 10th February, 1886.

\* From Officer Commanding Mingyan, No. 249, dated 12th February, 1886.

From Provost Marshal, Burma Field Force, No. 64, dated 9th February, 1886.

From Director of Transport, No. 423, dated 12th February, 1886.

From Brigadier-General G. S. White, dated 5th February, 1886.

From Principal Commissariat Officer, No. 82, dated 4th January, 1886.

From Principal Commissariat Officer, No. 84, dated 5th February, 1886.

From Senior Marine Transport Officer, dated 9th January, 1886.

Major E. Brown, Commanding Mounted Corps, dated 10th February, 1886.

\* From Officer Commanding 2nd (Queen's Own) Bengal Light Infantry, dated 18th November, 1885.

From Commissary of Ordnance, dated 1st February, 1886.

\* From Officer Commanding Ningyan Column, dated 21st December, 1885.

\* From Officer Commanding Naval Brigade, dated 31st December, 1885.

*Note.*—Copies of reports marked \* have been sent in original to the Adjutant-General in India. No copies retained.

## APPOINTMENTS.

**No. 296.**—In continuation of G. G. O. No. 188 of 1886, Captain A. R. F. Dorward, R.E., is appointed to the Staff of the Field Force in Upper Burma as Commanding Royal Engineer.

### **No. 297.**—ARMY REMOUNT DEPARTMENT—

Lieutenant A. N. Carr, Bengal S. C., Squadron Officer, 3rd Bengal Cavalry, to officiate as Assistant Superintendent of the Reserve Depôt, Saharunpore, *vice* Captain J. C. F. Gordon, appointed to officiate as Superintendent of the Reserve Depôt. Dated 27th April, 1886.

### BRIGADE.

**No. 298.**—In continuation of G. G. O. No. 280 of 1886, it is notified that the head-quarters of the brigade command in Upper Burmah therein sanctioned will be at Yemethen, and that the command will include the districts of Ningyan and Yemethen, and the subdivision of Mahline.

**No. 299.**—In continuation of G. G. O. No. 280 of 1886, the following appointments are made to the Staff of the 3rd Brigade of the Forces in Upper Burmah:—

Captain A. A. Pearson, Bombay S. C., 24th Bombay Infantry, to be Deputy-Assistant Adjutant and Quarter-Master General.

Captain C. S. Shephard, Royal Lancaster Regiment, to be Brigade-Major.

### **No. 300.**—MEDICAL DEPARTMENT—

The undermentioned Surgeons appointed to the Bengal establishment in G. G. O. No. 240 of 1886, reported their arrival at Bombay on the date specified:—

Henry Robert Woolbert.

George Henry Baker.

Thomas Grainger, M.D.

Joseph Rosamond Adie.

Arthur Charles Yonnan.

Alfred William Alcock.

Arthur Rea Edwards.

John Macfarlane Cadell.

Dated 27th April, 1886.

### **No. 301.**—PERSONAL STAFF—

The Prince of Wales has been pleased to appoint Ressaldar-Major Nizâm-iddin Khan, Sirdar Bahadur, 11th (Prince of Wales' Own) Bengal Lancers, to be Native Orderly Officer to His Royal Highness, *vice* Ressaldar Anoop Sing, Sirdar Bahadur, deceased.

### **No. 302.**—PUNJAB FRONTIER FORCE—

*No. 2 (Detached) Mountain Battery.*

The appointment of Lieutenant G. E. Bryant, R.A., to be 3rd Subaltern, on augmentation, notified in G. G. O. No. 595 of 1885, to have effect from the 25th April, 1886.

### STAFF CORPS.

**No. 303.**—Lieutenant C. F. V. S. Venner, Royal Sussex Regiment, appointed by the Secretary of State for India a probationer for the Indian Staff Corps, is posted to the Bengal Staff Corps, with effect from the date of his arrival in India.

**No. 304.**—Lieutenant Olley Bohun Stovin Fairless Shore, West Yorkshire Regiment,

Squadron Officer, 18th Bengal Cavalry, is admitted to the Bengal Staff Corps, from the 27th April, 1884, subject to the confirmation of the Secretary of State for India.

**No. 305.**—Lieutenant Ivor Philipps, Manchester Regiment, officiating Wing Officer, 2nd Sikh Infantry, Punjab Frontier Force, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps from the 8th October, 1884, subject to the confirmation of the Secretary of State for India, and to his passing the professional examination required under regulation.

#### VOLUNTEER CORPS.

##### *Ghazipur Volunteer Rifle Corps.*

**No. 305.**—Mr. George Jasper Nicholls, C.S., to be Major, to complete the establishment.

Mr. Edward Rose, C.S., to be Captain, *vice* Captain W. Irvine, C.S., who vacates the appointment on transfer.

##### *Rajputana-Mulwa Volunteer Rifle Corps.*

**No. 307.**—Mr. Neville Priestley to be Lieutenant to complete the establishment.

##### *Assam Valley Administrative Battalion.*

**No. 303.**—Lieutenant D. C. F. Macintyre, 1st Battalion, 2nd Goorkha Regiment, to be Adjutant, with effect from the 20th March, 1886, *vice* Lieutenant H. W. Priestley, transferred as Adjutant to the Lakhimpur Volunteer Rifle Corps.

##### *Lakhimpur Volunteer Rifle Corps.*

**No. 309.**—Lieutenant H. W. Priestley, Adjutant, Assam Valley Administrative Battalion, to be Adjutant, with effect from the 20th March, 1886.

##### *Dacca Volunteer Rifle Corps.*

**No. 310.**—Surgeon-Major C. J. W. Meadows, to be Honorary Surgeon, *vice* Surgeon-Major A. Crombie, who has resigned that appointment.

##### *2nd Punjab (Simla) Volunteer Rifle Corps.*

**No. 311.**—Captain F. Leigh to be Major, *vice* Major R. J. Francis, who has resigned that appointment.

Mr. R. G. Macdonald to be Captain, to complete the establishment.

##### *3rd Punjab (Sind, Punjab and Indus Valley Railway) Volunteer Rifle Corps.*

**No. 312.**—Mr. E. W. Thelwall to be Lieutenant, to complete the establishment.

#### DISMISSALS AND REMOVALS.

**No. 313.**—The services of Sub-Assistant Apothecary John Wolam Birch, of the Subordinate Medical Department, are dispensed with.

#### FURLOUGH AND LEAVE.

**No. 314.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant H. H. F. Fagan, Bengal S. C., Squadron Officer, 10th The Duke of Cambridge's Own Bengal Lancers, (p. a.) for one year, under rule 1 of the regulations of 1875.

Deputy-Commissary and Honorary-Captain R. F. Castellari, Ordnance Department, Bengal Circle, (m. c.) for one year, under rule IX, note (1), of the regulations of 1868.

**No. 315.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major A. J. T. Welchman, General List, Infantry, (m. c.) for six months.

Major T. T. Carter, R.E., (m. c.) for six months.

#### LONDON GAZETTE.

**No. 316.**—The following extracts are published for general information:—

"London Gazette," dated the 13th April, 1886, page 1783.

##### "WAR OFFICE ;

*Pall Mall, 13th April, 1886.*

##### MEMORANDA.

\* \* \* \*

Deputy-Assistant-Commissary William Marr, Bengal Establishment, to have the honorary rank of Lieutenant. Dated 4th December, 1885."

##### "INDIA OFFICE ;

*13th April, 1886.*

The Queen has approved of the retirement from the Service of the undermentioned Officers of Her Majesty's Indian Military Forces:—

Colonel Charles William Campbell, of the Bengal Staff Corps. Dated 1st February, 1886.

Colonel Henry Evelyn Coningham, of the Madras Staff Corps. Dated 12th February, 1886.

Colonel Robert Andrews Cole, of the Madras Staff Corps. Dated 28th February, 1886.

Lieutenant-Colonel Thomas Bernard Michell, of the Bengal Staff Corps. Dated 1st March, 1886.

Lieutenant-Colonel Edward Persse, of the Madras Staff Corps. Dated 4th March, 1886.

Brigade-Surgeon John Houston, M.D., of the Madras Army. Dated 20th March, 1886.

Surgeon-Major Richard Thomas Lyons, M.D., of the Bengal Army. Dated 9th February, 1886.

Surgeon-Major James Kelly, of the Bengal Army. Dated 12th March, 1886.

The Queen has approved of the resignation of the Service by the undermentioned Officer:—

Captain Arthur Thomas Banon, of the Bengal Staff Corps. Dated 12th February, 1886.

The undermentioned Officers are granted a step of honorary rank on retirement:—

##### *To be Major-Generals.*

Colonel Charles William Campbell, of the Bengal Staff Corps. Dated 1st February, 1886.

Colonel Henry Evelyn Coningham, of the Madras Staff Corps. Dated 12th February, 1886.

Colonel Robert Andrews Cole, of the Madras Staff Corps. Dated 28th February, 1886.

*To be Colonel.*

Lieutenant-Colonel Thomas Bernard Michell, of the Bengal Staff Corps. Dated 1st March, 1886.

Lieutenant-Colonel Edward Persse, of the Madras Staff Corps. Dated 4th March, 1886.

*To be Deputy Surgeon-General.*

Brigade-Surgeon George Alder Watson, of the Bengal Army. Dated 7th December, 1885.

#### MEMORANDUM.

The date of the retirement from the service of Surgeon-Major Philip Wyatt Cockell, of the Bombay Army, and of his promotion to the honorary rank of Brigade-Surgeon thereon, is the 13th October, 1885, and not as stated in the *London Gazette* of the 10th November, 1885.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India.—

#### BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major Edmund Pipon Ommanney. Dated 7th February, 1886.

*To be Majors.*

Captain Benjamin Chamney Graves. Dated 30th January, 1886.

Captain John Meredith Douglas Lewes. Dated 30th January, 1886.

Captain Edward Henry Bingham. Dated 13th February, 1886.

Captain James Butler. Dated 20th February, 1886.

*Lieutenants to be Captains.*

Charles Chenevix Chenevix-Trench. Dated 11th February, 1886.

William Tomes Fairbrother. Dated 11th February, 1886.

John George Ramsay. Dated 11th February, 1886.

Andrew Pennell Williamson. Dated 11th February, 1886.

Frederick Augustus Blyth. Dated 11th February, 1886.

Claude Clifton St. Edmunds Lucas. Dated 11th February, 1886.

Christopher George Forbes Fagan. Dated 11th February, 1886.

Robert Baker Shawe. Dated 11th February, 1886.

Alfred Lloyd Barrett. Dated 11th February, 1886.

Francis Henry Rutherford Drummond. Dated 11th February, 1886.

#### BENGAL CAVALRY.

*To be Lieutenant-Colonel.*

Major and Colonel William Walters Biscoe. Dated 4th February, 1886.

#### BENGAL INFANTRY.

*To be Lieutenant-Colonel.*

Major Richard Octavius Vyvyan. Dated 4th February, 1886.

#### BENGAL MEDICAL ESTABLISHMENT.

*To be Brigade-Surgeon.*

Surgeon-Major Henry Potter, M.D. Dated 7th December, 1885.

#### PROMOTIONS.

**No. 317.**—The following promotion is made, subject to Her Majesty's approval:—

#### BENGAL STAFF CORPS.

*To be Captain.*

Lieutenant Beauchamp Duff,—8th May, 1886.

#### **No. 318.**—NATIVE ARMY—

*2nd Bengal Cavalry.*

Kote Duffadar Bharam Singh, from the 3rd Bengal Cavalry, to be Jemadar, on augmentation, with effect from the 18th September, 1885.

*3rd Bengal Cavalry.*

Ressaidar Woordie-Major Málak Singh to be Ressaidar, on augmentation;

Ressaidar Muhammad Akram Khan to be Woordie-Major, *vice* Ressaidar Woordie-Major Málak Singh, promoted;

Jemadar Ghulam Hasan Khan to be Ressaidar, on augmentation;

Jemadar Farzand Ali to be Ressaidar, *vice* Ressaidar Muhammad Akram Khan, promoted;

Duffadar Partáb Singh to be Jemadar, on augmentation;

Duffadar Bishu Singh to be Jemadar, *vice* Jemadar Ghulam Hasan Khan, promoted;

Duffadar Bishu Singh to be Jemadar, on augmentation,—

with effect from the 18th September, 1885.

#### **No. 319.**—ORDNANCE DEPARTMENT—

Sub-Conductor William Henry Smith to be Conductor;

Store-Sergeant Thomas Wilson, Assistant Over-seer, Small Arms Ammunition Factory, Dum-Dum, to be Sub-Conductor, on probation, *seconded*;

Store-Sergeant William Davis to be Sub-Conductor on probation,—

with effect from the 10th March, 1886, *vice* Conductor Matthew Donlon, pensioned.

Sub-Conductor George Smith to be Conductor;

Store-Sergeant George Henry Ashby to be Sub-Conductor on probation,—

with effect from the 1st April, 1886, *vice* Conductor W. McEntegart, pensioned.

#### **No. 320.**—PUNJAB FRONTIER FORCE—

*1st Punjab Cavalry.*

Ressaidar Hak Newáz Khan to be Ressaidar, Jemadar Yakub Khan to be Ressaidar, Kote Duffadar Emin Ali Khan to be Jemadar, *vice* Ressaidar Hakim Ali Khan, invalided, with effect from the 20th April, 1886.

#### RESIGNATIONS.

**No. 321.**—Sub-Assistant Apothecary (temporary and Grade Assistant Apothecary) Charles Lloyd, Subordinate Medical Department, is permitted to resign the service.

O. R. NEWMARCH, *Colonel,*

*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

## NOTIFICATION.

*Simla, the 14th May, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 8th and the 14th May, 1886 :

Corps.	Rank and Name.	Date of Death.	Place of Death.	Testate or Intestate.	Remarks.
Medical Staff	Deputy Surgeon-General W. H. Corbett, M.D.	3rd May, 1886	Shahkote	...	
Royal Welsh Fusiliers	Lieutenant C. Lysons	10th April, 1886	Katha, Burmah.	...	

O. R. NEWMARCHI, Colonel,  
Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 11th May, 1886.*

**No. 125.**—Mr. C. E. Gael, Executive Engineer, 2nd grade, temporarily employed in Madras, is retransferred to Central India.

*The 14th May, 1886.*

**No. 128.**—Mr. I. S. Hubbard, Examiner of Public Works Accounts, is posted, on return from furlough, as Examiner, Public Works Accounts, Central India.

Mr. A. C. Newcombe, Officiating Examiner, Public Works Accounts, Central India, on being relieved by Mr. Hubbard will revert to his former appointment of Deputy Examiner in the office of the Examiner, Public Works Accounts, North-Western Provinces and Oudh.

**No. 129.**—The undermentioned Executive and Assistant Engineers are transferred permanently from Bengal to State Railways :

*Executive Engineers, 1st grade.*

Mr. D. F. Hogarth.  
Mr. T. E. Owen.  
Major F. W. Joseph, B. S. C.  
Mr. G. E. Moore, sub. *pro tem.*, on furlough.

*Executive Engineer, 2nd grade.*

Mr. P. B. Roberts.

*Executive Engineers, 3rd grade.*

Mr. A. C. C. Rogers.  
Major L. F. Brown, R. E.  
Mr. B. W. Cantopher, sub. *pro tem.*  
Mr. T. E. Curry, sub. *pro tem.*

*Executive Engineers, 4th grade.*

Babu Bhoolun Mohun Bose, sub. *pro tem.*  
Baboo Kali Podo Sen, sub. *pro tem.*  
Babu Krishna Chunder Bandopadhyaya, temporary rank.

*Assistant Engineers, 1st grade.*

Mr. E. T. Faulkner.  
Mr. G. Mills.  
Mr. H. B. Taylor.

Mr. E. E. A. Küster.

Mr. G. T. St. A. Nixon, on furlough.

Mr. H. Phillips, sub. *pro tem.*, to continue to be temporarily employed in Beluchistan.

*Assistant Engineer, 2nd grade.*

Mr. A. G. Bremner.

**No. 130.**—With reference to Public Works Department Notification No. 129 of this date, the services of the undermentioned Executive and Assistant Engineers are placed at the disposal of the Director General of Railways :

*Executive Engineers, 1st grade.*

Mr. T. E. Owen.  
Major F. W. Joseph, B. S. C.  
Mr. G. E. Moore, sub. *pro tem.*, on return from furlough.

*Executive Engineer, 2nd grade.*

Mr. P. B. Roberts.

*Executive Engineers, 3rd grade.*

Mr. A. C. C. Rogers.  
Major L. F. Brown, R. E.  
Mr. T. E. Curry, sub. *pro tem.*

*Executive Engineers, 4th grade.*

Babu Bhoolun Mohun Bose, sub. *pro tem.*  
Babu Kali Podo Sen, sub. *pro tem.*  
Babu Krishna Chunder Bandopadhyaya, temporary rank.

*Assistant Engineer, 1st grade.*

Mr. G. T. St. A. Nixon, on return from furlough.

*Assistant Engineer, 2nd grade.*

Mr. A. G. Bremner.

**No. 131.**—Mr. J. W. A. McNair is appointed to Class III of the Superior Revenue Establishment of State Railways, Stores Department, with effect from the 1st April, 1886.

Mr. McNair's services are placed at the disposal of the Director General of Railways.

## TELEGRAPH.

*The 12th May, 1886.*

**No. 126.**—The following officiating appointments are made in the Indian Telegraph Department, with effect from the dates specified :

Names.	From	To	Date
Mr. F. G. Maclean	Superintendent, 4th grade	Officiating Superintendent, 3rd grade.	12th March, 1886
Mr. A. B. Larkins	Officiating Superintendent, 5th grade.	Officiating Superintendent, 4th grade.	12th March, 1886.
Mr. E. Dowson	Officiating Superintendent, 5th grade	Officiating Superintendent, 4th grade.	7th April, 1886.
Mr. M. G. Brind	Assistant Superintendent, 1st grade.	Officiating Superintendent, 5th grade.	12th March, 1886
Mr. G. L. Towers	Assistant Superintendent, 1st grade.	Officiating Superintendent, 5th grade.	7th April, 1886.

**No. 127.**—The following promotions are made in the Indian Telegraph Department, with effect from 17th March, 1886, consequent on the retirement of Mr. G. J. Moberly, Superintendent, 3rd grade :

Names.	From	To
Mr. E. R. de Marsac	Officiating Superintendent, 3rd grade	Superintendent, 3rd grade.
Mr. E. C. Bird	Superintendent, 5th grade	Superintendent, 4th grade
Mr. A. B. Larkins	Officiating Superintendent, 5th grade	Superintendent, 5th grade

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 12th MAY, 1886.

GENERAL REMARKS.—Slight rain has again been general throughout Eastern and Central Bengal, the Madras Presidency, and the southern districts of Bombay. Heavy falls have taken place in British Burma, Assam, and Mysore. Rain has also fallen in the North-Western Punjab, at Indore, and in one or two places in Rajputana.

Agricultural prospects continue unchanged in Madras. Mysore has benefited by the rain. In Coorg the season is favourable.

*Kharif* preparations are in progress in Bombay, Berar, and the Central Provinces. In Central India, Rajputana, and Hyderabad prospects are generally good.

The *rabi* harvest is approaching completion in the North-Western Provinces and Oudh, where ploughing for the *kharif* has commenced and prospects are good. In the Punjab the *rabi* crops are being cut, and the harvest promises well.

Agricultural operations have been facilitated in Bengal by the recent rain, but more is required in some places. *Aus* rice, jute, sugarcane, indigo, and *cheena* promise well, and the *boro* rice harvest is yielding a good outturn. In Assam the weather is seasonable and prospects are generally good.

Cholera is prevalent in Raipur in the Central Provinces and is reported from several other parts of the country; but, speaking generally, the public health is good.

Prices are rising in the Punjab and are fluctuating in Mysore. Elsewhere they remain generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 12th)</b>		
Bellary . . . . .	Average '33	Standing wet crops in parts of two taluks generally good, but water insufficient; harvest wet and dry crops, yield about average. Cattle-disease in three taluks.
Kurnool . . . . .	Average '22	Harvest second crop paddy, yield average. Small-pox and cattle-disease in three taluks.
Ganjam . . . . .	Average '38	Fever in three, small-pox in five, and slight cattle-disease in two taluks; cholera prevailing. Average number employed on Chika canal 40.
Kistna . . . . .	Average '08	Fever in some taluks, and cholera in eight taluks and one division.
Chingleput (Madras) . . . . .	Average '04	Standing crop fair, except in parts of one taluk where watering, and in another suffering from want of water; harvest wet and dry grains, outturn below average. Fever in one taluk and small-pox in another; cattle-disease in one taluk.
Coimbatore . . . . .	Average 1'53	Standing crops good but <i>ch'lon</i> requires rain in parts of one taluk; harvest paddy and <i>cholum</i> , outturn of paddy generally above average and <i>ch'lon</i> average. Fever in one taluk and slight small-pox in two villages.
Tanjore . . . . .	Average '21	Standing crops good, except in parts of one taluk, where rain is wanted; harvest <i>cholum</i> and gingelly, outturn below average.
Madurai . . . . .	Average last week since revised, '05; this week, 1'03.	Harvest paddy, yield below average.
Malabar . . . . .	Average 1'35	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in nine, and cholera in three taluks.
Travancore . . . . .	'50	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(May 12th)</b>		
Kurrachee . . . . .	<i>Nil</i>	River at Kotri on 10th, 11 feet against 11 feet 10 inches on same date last year. <i>Rabi</i> harvesting completed. Fever in six and cattle-disease in two taluks; small-pox in two villages in districts, 2 fresh cases remaining. Wheat, red rice, and <i>barri</i> in Kurrachee 20, 30 and 34 in Farra 20, 40 and 40 in Mampur Boro 24, 40 and 42, and in Schwan 30, 40 and 40 pounds per rupee, respectively.
Hyderabad . . . . .	Average '14 in three talukas.	<i>Rabi</i> harvest continues, being trodden in Nancharo subdivision, and preparation for <i>kharif</i> cultivation in progress. River at Kotri on 10th, 11 feet against 11 feet 10 inches on same date last year. Fever in four, small-pox in three, and cattle-disease in five talukas. Wheat 25, <i>juari</i> 40, <i>barri</i> 37½, white rice 19 and red rice 30 pounds per rupee. Days unusually hot.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—<i>contd.</i></b>		
Khandwa . . . .	<i>Nil</i>	Weather warm, with high winds. <i>Kharif</i> preparations continue. Health fair. Prices steady.
Raipur . . . .	<i>Nil</i>	Weather cloudy and close. <i>Kharif</i> ploughings in hand. Cholera increasing; small-pox and cattle-disease disappearing. Prices stationary.
Sambalpur (May 8th)	0.5	Weather hot and cloudy. Sugarcane doing well. Cholera in places. Trade brisk. <i>General Remarks.</i> —Weather hot and windy, with occasional clouds. <i>Kharif</i> ploughings commenced. Cholera is becoming violent in Raipur. Prices steady.
<b>British Burma— (May 12th)</b>		
Akyab . . . . (8th)	<i>Nil</i>	Public health good; cattle healthy.
Bassien . . . .	2.42	Total rainfall 4.06. Public health good; cattle healthy.
Rangoon . . . .	4.43	Total rainfall 6.05. Public health good; cattle healthy.
Amherst (Moulmein)	3.51	Total rainfall 4.30. Public health good; cattle healthy.
Pegu . . . .	3.88	Total rainfall 4.55. Public health good; cattle healthy.
Henzada . . . .	1.20	Total rainfall 1.20. Public health and health of cattle good.
Prome . . . .	0.02	Total rainfall 0.33. Public health and health of cattle good.
Toungoo . . . .	1.0	Total rainfall 3.54. Public health and health of cattle good.
Thayetmayo . . . .	1.40	Total rainfall 1.07. Public health and health of cattle good. <i>General Remarks.</i> Slight cholera in Thongwa district, elsewhere public health good; cattle-disease in Hanthawaddy and Amherst districts, elsewhere cattle healthy.
<b>Assam—(May 12th)</b>		
Gauhati (May 12th)	2.05	Weather reasonable. Cholera diminishing in the Sadr station, but still very prevalent in portions of the districts; cattle-disease still in some nozzahs. Sowing of <i>ahu</i> partly finished; planting of sugarcane nearly finished.
Sylhet . . . .	2.83	State and prospects of crops good. Cattle-disease reported from South Sylhet.
Cachar . . . .	1.75, severe storm at about 6 P.M. on 11th	Weather warm. Cultivation for <i>am</i> and <i>axa</i> crops progressing. Common rice 14½ seers per rupee. General health good.
Dibrugarh . . . .	0.13	Warm days and cool nights. Sowing of <i>ahu</i> continues; land being prepared for <i>sahi</i> ; tea doing well. Public health fair. Prospects of crops good.
<b>Mysore and Coorg— (May 12th)</b>		
Bangalore . . . .	Civil and Military station, 2.93; Bangalore district, 3.01; Mysore, 1.13; Kolar, 1.15; Tumkur, 2.31; rain has also fallen more or less in the Malnad district	Standing crops in good condition, except in parts of the Kolar district; prospects of season fair. In parts of the Kolar and Tumkur districts supply of water and fodder diminishing, but generally speaking result of recent rain which has been general is to improve pasturage. Public health good; small-pox prevalent in parts of the Mysore and Tumkur districts, and cattle-disease in parts of the Kolar and Shimoga districts. Prices fallen in the Mysore district and risen in the Kolar and Shimoga districts slightly.
Mysore . . . .	<i>Nil</i>	Prices of cereals stationary. Prospects of season and public health good.
<b>Berar and Hyderabad—</b>		
Amraoti (May 12th)	<i>Nil</i>	Weather hot and cloudy at intervals. <i>Kharif</i> ploughing continues. Wheat 22 and <i>juari</i> 20 seers per rupee.
Akola . . . .	<i>Nil</i>	Weather hot. Fields being prepared for <i>kharif</i> .
Hyderabad . . . .	1.1	Total rainfall since 1st May '85 Standing crops prospering. Heat excessive. General health fair. Prices wheat 15½, coarse rice 11½, white <i>juari</i> 20½, yellow <i>juari</i> 22, and <i>tur</i> 17 seers per current sicca rupee.
<b>Central India States— (May 12th)</b>		
Indore . . . .	1.20	Weather reasonable. Prices stationary. Health good.
Morar (Gwalior)	<i>Nil</i>	Weather stormy and cloudy.
Sonia . . . .	<i>Nil</i>	Heat excessive. Health good.
Ruham . . . .	<i>Nil</i>	No report received.
Neemuch . . . .	<i>Nil</i>	Weather reasonable; high winds. Water scarce and few cases of small-pox in Sadr Bazar. Health otherwise good.
Goona . . . .	<i>Nil</i>	Weather very hot. Health and prospects good.
Agrir . . . .	Slight shower of rain	Health and prospects fair.
Schore . . . .	<i>Nil</i>	Weather hot and seasonable. Health and opium crops good.
Nowgong . . . .	<i>Nil</i>	Weather hot and cloudy. Health good. Prices stationary.
Mampur . . . .	<i>Nil</i>	Weather hot. High westerly winds. Health good. Prices steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—(May 12th)</b>		
Abu (May 12th)	<i>Nil</i>	Weather seasonable; high winds, with dust.
Sirohi ( " 9th)	<i>Nil</i>	Tanks dry; wells fair. Health good. Weather hot, with occasional clouds.
Marwar ( " 7th)	<i>Nil</i>	Tanks almost half full. Health good. Crops being gathered. Winds mildly hot; nights cool. Prices tending to rise.
Kherwara ( " 9th)	<i>Nil</i>	Tanks and wells drying. Crops gathered. Health good. Prices slightly risen. Weather very hot and windy.
Pertabgarh ( " 8th)	<i>Nil</i>	Tanks and wells drying. Health good. Prices rising. Heat great.
Meywar ( " " )	<i>Nil</i>	Tanks and wells low. Health very good. Prices rising. Weather seasonable.
Harowti ( " " )	Tonk, 10; Shahpura, .03.	Hot westerly winds. Health good.
Jhallawar ( " 7th)	<i>Nil</i>	Weather seasonable. Small-pox abating.
Kotah ( " 8th)	<i>Nil</i>	Weather seasonable. Health good.
Ajmere ( " 10th)	<i>Nil</i>	Tanks and wells diminishing. Weather cloudy and hot. Fever, small-pox, and guinea-worm in some parts of the district. Occasional storms. Prices steady.
Jeypore ( " 12th)	16	Wells failing. Fever and small-pox continue in parts, otherwise health good. Weather occasionally cloudy.
Ulwur ( " 11th)	<i>Nil</i>	Measles in Bikanir. Prices stationary. Weather warmer.
Bikanir ( " 8th)	Slight rain	

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. II OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 18TH APRIL 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 17TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 18TH APRIL 1885.		TOTAL RECEIPTS FROM 1ST TO 17TH APRIL 1886.		Total increase in 1886-87.	Total Decrease in 1886-87.	
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.			
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	
24th April 1886	Oudh and Rohilkhand	608	1,33,549	220	680	1,79,190	264	3,31,955	230	3,81,647	231	49,992	...	
24th do.	Madras	801	1,31,184	152	801	1,50,583	175	3,01,998	103	3,45,447	104	...	16,551	
17th do.	South Indian	654	81,212	124	654	1,02,779	157	2,22,931	132	2,33,108	148	12,567	...	
24th do.	Great Indian Peninsula	1,504	9,73,077	647	1,504	11,04,044	735	24,82,397	642	24,40,127	667	...	42,240	
17th do.	Bombay, Baroda and Central India	491	2,08,625	648	491	3,50,000	779	7,55,547	638	8,08,286	722	52,739	...	
	<b>TOTAL</b>	1,888	10,17,038	399	4,100	18,90,402	450	41,54,108	396	42,10,705	410	50,507	...	
	<i>State.</i>													
24th April 1886	East Indian	1,500	10,57,714	667	2,515	6,71,624	643	28,99,795	670	24,32,912	662	...	1,66,883	
17th April	Eastern Bengal	133	72,396	311	234	73,278	313	2,50,065	419	1,95,600	344	...	5,18,75	
24th do.	Nidhati	57	1,104	43	27	1,638	61	4,338	62	5,000	70	602	...	
17th do.	Northern Bengal	249	3,570	131	249	38,030	153	88,700	139	99,300	160	7,594	...	
24th do.	Kauma-Dharla	37	3,075	82	37	2,480	67	8,487	87	5,410	60	...	2,847	
24th do.	Indoot	220	2,570	108	249	20,189	119	8,9718	148	83,117	131	...	2,500	
24th do.	Patna-Gya	57	10,345	181	57	13,371	234	20,378	200	38,999	350	6,221	...	
17th do.	Cawnpore-Achenera	240	10,702	67	253	22,038	87	43,140	67	50,124	87	7,184	...	
24th do.	Dilduagur-Ghazipur	12	1,38	65	12	1,132	94	2,800	60	2,570	88	...	224	
17th do.	Rajputana-Malwa	1,111	3,57,193	18	1,111	3,57,000	273	8,00,000	222	8,00,000	201	89,104	...	
17th do.	Wardha Coal	45	10,373	394	45	10,754	372	34,804	391	4,073	390	7,800	...	
17th do.	Nagpur and Chhattisgarh	149	5,647	353	149	10,872	315	1,31,157	343	1,00,429	333	...	11,028	
24th do.	British Burma	254	40,101	194	327	48,518	148	1,30,997	214	1,41,370	144	1,370	...	
24th do.	Sindia	75	7,371	98	75	8,663	115	20,790	109	19,070	105	...	1,720	
24th do.	North-Western	1,803	8,41,098	460	1,803	4,09,110	277	19,13,562	412	13,14,210	300	...	5,99,352	
24th do.	Amritsar-Patankot	60	8,000	122	60	7,793	118	10,111	113	18,443	115	...	708	
24th do.	Bareilly-Pilibhit	30	1,304	30	30	2,046	57	4,185	45	4,008	53	473	...	
24th do.	Dacca	10	1,775	177	80	4,000	53	8,245	204	10,316	50	5,071	...	
17th do.	Porhat	23	434	19	30	610	11	1,024	18	1,185	20	461	...	
24th do.	Cawnpore-Kalpi	42	...	...	42	2,663	63	...	...	6,048	60	6,048	...	
	<b>TOTAL</b>	4,992	14,08,779	905	5,185	12,63,820	232	35,00,480	281	30,48,144	243	...	5,42,345	
<b>GRAND TOTAL (GUARANTEED AND STATE)</b>			10,580	41,36,131	391	10,800	40,73,936	375	1,03,44,182	380	99,01,701	367	...	6,52,721
<b>GROSS ESTIMATED EXPENSES</b>			...	...	...	...	...	47,08,402	175	46,52,045	170	...	...	
<b>NET RECEIPTS</b>			...	...	...	...	...	56,36,000	200	56,39,710	101	...	5,10,304	
	<i>Assisted Companies.</i>													
17th April 1886	Bengal-Central	126	7,657	61	126	9,019	72	31,303	97	24,352	98	...	6,951	
24th do.	Rohilkhand and Kumaon	67	4,010	71	67	7,400	110	11,377	66	18,370	113	6,993	...	
7th do.	Assam	78	3,010	50	78	7,145	92	17,800	64	17,333	91	4,461	...	
4th do.	Southern Mahratta	214	14,390	67	316	32,260	102	28,494	52	7,583	65	44,419	...	
7th do.	Bengal and North-Western	303	20,450	97	303	50,780	197	71,383	92	1,10,251	150	38,868	...	
4th do.	Tarakessur	22	9,771	444	22	9,532	433	20,919	370	19,490	361	...	1,420	
	<b>TOTAL</b>	810	70,688	87	91	1,25,082	137	1,70,315	85	2,02,079	119	86,304	...	
	<i>Native States.</i>													
4th April 1886	Bhavnagar-Gondal	193	2,5830	118	193	26,575	138	61,743	125	58,498	125	...	3,245	
17th do.	Jodhpore	64	2,821	41	64	4,400	60	7,943	40	10,147	71	2,419	...	
7th do.	Nizam's	121	21,191	178	121	22,158	107	51,780	166	47,030	95	...	3,823	
7th do.	Mysore	140	6,572	47	140	7,912	57	18,317	51	18,030	53	...	358	
7th do.	Rajpura-Patiala	16	1,056	80	16	1,558	97	2,094	70	3,490	90	372	...	
	<b>TOTAL</b>	534	54,712	100	61	63,603	101	1,42,636	104	1,38,081	92	...	4,555	

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.

SIMLA.

16th May, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 15, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

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Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 6th May 1886.*

No. 555.—Mr. C. G. S. Wood, Assistant Surveyor, 3rd Grade, Survey of India, is granted extraordinary leave without allowances for twenty months, under Section 134, Chapter X of the Civil Leave Code, with effect from 1st May 1886, or such subsequent date as his services can be spared.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*

*Offg Surveyor General of India.*

# ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The Undermentioned Candidates have passed the B. A. Examination :—

*This list is arranged in Alphabetical Order.*

Abdul Aziz	...	Dacca College.	Chandra, Manmohan	...	Teacher.
" Hak	...	Teacher.	Chattopadhyay, Asutosh	...	Metropolitan Institution.
" Wajid	...	Dacca College.	" Asutosh	...	Free Church Institution.
Adhikari, Debicharan	...	Free Church Institution.	" Bidhubhushan	...	Metropolitan Institution.
" Homnath	...	City College.	" Bihari Lal	...	Hughli College.
Baksi, Taraprasanna	...	Metropolitan Institution.	" Binaychandra	...	Free Church Institution.
Bandyopadhyay, Abinashchandra	...	Free Church Institution.	" Chandmohan	...	Rajshahy College.
" Akhilechandra	...	Presidency College	" Hemchandra	...	Presidency College.
" Anupchandra	...	L. M. S. College, Bhowanipur.	" Jnanrajan	...	Ditto.
10 " Asutosh	...	Ditto	" Jogindranath	...	Ditto.
" Balaram	...	Metropolitan Institution.	" Jogindranath	...	Hughli College.
" Banwarilal	...	Free Church Institution.	" Kalipada	...	Ditto.
" Baradakanta	...	Teacher.	" Kedarnath	...	City College.
" Bipakrishna	...	Metropolitan Institution.	" Kunjabihari	...	Free Church Institution.
" Binodlal	...	Free Church Institution.	" Makhanlal	...	City College.
" Chundlal No. 2	...	General Assembly's Institution.	" Nagendranath	...	Hughli College.
" Dwaiachandra	...	Free Church Institution.	" Nandlal	...	Metropolitan Institution.
" Grisechandra	...	Metropolitan Institution.	" Pasupati	...	Ditto.
" Jogindranath	...	Free Church Institution.	" Phalaram	...	City College.
" Jogindranath	...	Metropolitan Institution.	" Rajanikanta	...	Teacher.
" Kalprasanna	...	Ditto.	" Rajendranath	...	L. M. S. College Bhowanipur.
" Keshurnath	...	L. M. S. College, Bhowanipur	" Rakhalechandra	...	Metropolitan Institution.
" Lalitmohan	...	Metropolitan Institution.	" Ramapati	...	Presidency College.
" Narendranath	...	Free Church Institution.	" Saratchandra	...	General Assembly's Institution.
" Nriyagopal	...	Metropolitan Institution.	" Sasibhushan	...	Metropolitan Institution.
" Pramathanath	...	Free Church Institution.	" Srischandra	...	Hughli College.
" Rajendranath	...	L. M. College, Benares	" Sukumar	...	General Assembly's Institution.
" Rakhaldas	...	Teacher.	" Suranath	...	Teacher.
" Rashbihari	...	General Assembly's Institution.	" Trailokyanath	...	Metropolitan Institution.
30 Barat, Benimadhab	...	Hughli College.	Chaudhuri, Bamapada	...	Presidency College.
Barori, Ambikacharan	...	Patna College.	" Brajaraj	...	Metropolitan Institution.
Baruya, Debicharan	...	General Assembly's Institution.	" Debendranath	...	Doverton College.
Basak, Rebati Mohan	...	Dacca College.	" Narendrakumar	...	Presidency College.
Basu, Abhaypada	...	Canning College.	" Prasannaachandra	...	Metropolitan Institution.
" Akhilechandra	...	General Assembly's Institution.	" Syamacharan	...	Ditto.
" Akshaykumar	...	Dacca College.	Chhail, Bihari Lal	...	Canning College.
" Bhupatnath	...	Ravenshaw College.	" Das, Akshaykumar	...	Presidency College.
" Bipinbihari	...	Metropolitan Institution.	" Kailashchandra	...	Free Church Institution.
" Biswanath	...	L. M. S. College, Bhowanipur.	" Kalikanta	...	Metropolitan Institution.
40 " Chandrakumar	...	Free Church Institution.	" Karunakumar	...	City College.
" Hridaydhan	...	General Assembly's Institution.	" Manmathalal	...	General Assembly's Institution.
" Jnanendranath	...	Free Church Institution.	" Piyareshmohan	...	Metropolitan Institution.
" Rajendranath	...	Teacher.	" Sikkishina	...	Presidency College.
" Rameshchandra	...	Free Church Institution.	" Sudarsan	...	General Assembly's Institution.
" Sureschandra	...	Doverton College.	" Syamacharan	...	City College.
Bhagwati Sahay	...	Metropolitan Institution.	" Syamlal	...	Presidency College.
Bhagwati Charan	...	Patna College.	" Dasgupta, Jageshchandra	...	City College.
Bhanja, Upendranath	...	Presidency College.	" Karunakanta	...	L. M. S. College, Bhowanipur.
Bhattacharyya, Anandamohan	...	Teacher.	" Sridhar	...	Free Church Institution.
50 " Anangamohan	...	Presidency College.	" Datta, Asutosh	...	Ditto.
" Banwarharan	...	Metropolitan Institution.	" Banikanta	...	Muir Central College.
" Durgadas	...	Teacher.	" Bipinbihari	...	General Assembly's Institution.
" Kedarnath	...	Metropolitan Institution.	" Dharanidhar	...	Free Church Institution.
" Nibaranachandra	...	Presidency College.	" Dwarkanath	...	General Assembly's Institution.
" Srikantha	...	Metropolitan Institution.	" Gurudas	...	City College.
Biswas, Gurudas	...	Dacca College.	" Jnanendranarayan	...	General Assembly's Institution.
" Sasibhushan	...	Patna College.	" Jagindralal	...	Hughli College.
Bornwetsch, G. S.	...	Doverton College.	" Kaliprasanna	...	Free Church Institution.
Borah, Satyannath	...	Metropolitan Institution.	" Kedareswar	...	Teacher.
60 Chakrabarti, Debendranath	...	Free Church Institution.	" Krishnakisor	...	Metropolitan Institution.
" Debendranath	...	Ditto	" Kshirtramanohan	...	Doverton College.
" Ramendra	...	General Assembly's Institution.	" Matilal	...	Teacher.
" Rasikechandra	...	Teacher.	" Nagendranath	...	General Assembly's Institution.
" Rebati Mohan	...	Presidency College.	" Priyattama	...	Bethune Female School.
" Syamacharan	...	General Assembly's Institution.	" Radhakrishna	...	General Assembly's Institution.
" Udaynarayan	...	Teacher.	" Rangobinda	...	Metropolitan Institution.
			" Suresnath	...	General Assembly's Institution.

Datta, Surrylal	...	Free Church Institution.	Marik, Bhabataran	...	General Assembly's Institution.
De, Haradaprasad	...	Ditto	Mewa, Ram	...	Canning College.
" Hemchandra	...	General Assembly's Institution.	Mirza, Wahid Ali Beg	...	Ditto.
" Jnanendranath	...	Doretton College.	Mitra, Aghornath	...	Metropolitan Institution.
" Manmathanath	...	General Assembly's Institution.	" Akshaykumar	...	Ditto.
" Parbaticharan	...	Dacca College.	" Dharanishwar	...	St. Xavier's College.
140 Deb, Mahendrachandra	...	City College.	" Haridas	...	Presidency College.
Devaki, Nandan Lal Sahi	...	Benares College.	220 " Indubhushan	...	General Assembly's Institution.
Dhar Manamohan	...	Free Church Institution.	" Jogindranath	...	Presidency College.
Durga, Dayal	...	Canning College.	" Kaliprasanna	...	Dacca College.
Fox, J. K.	...	Presidency College.	" Nagendranath	...	Presidency College.
Gangopadhyay, Basantakumar	...	Dacca College.	" Nagendranath	...	Free Church Institution.
" Benimadhab	...	Metropolitan Institution.	" Nibaranachandra	...	Metropolitan Institution.
" Bishnupada	...	Teacher.	" Nirmalchandra	...	General Assembly's Institution.
" Nabinechandra	...	Metropolitan Institution.	" Prabodhachandra	...	Ditto.
Ghatak, Kaliprasanna	...	Rajshahye College.	" Ramendralal	...	Presidency College.
150 Ghosh, Amulyachandra	...	Metropolitan Institution.	Muhammad, Ishfak	...	Free Church Institution.
" Asutosh	...	Ditto.	230 " Israel	...	Presidency College.
" Hemchandra	...	General Assembly's Institution.	" Israil Khan	...	Ditto.
" Jyotiprasad	...	Presidency College.	Mukhopadhyay, Bipinbihari	...	St. Xavier's College.
" Khagendranath	...	Free Church Institution.	" Bipinchandra	...	Free Church Institution.
" Kunjabihari	...	Metropolitan Institution.	" Birajchandra	...	Ditto.
" Malumachandra	...	General Assembly's Institution.	" Charuchandra	...	Ditto.
" Nagendranath	...	Ditto.	" Gangacharan	...	Hughli College.
" Narayandas	...	L. M. S. College, Bhowanipur.	" Gaurhari	...	Free Church Institution.
" Nareschandra	...	Free Church Institution.	" Girindrachandra	...	Metropolitan Institution.
160 " Pranchaitanya	...	Teacher.	" Girindranath	...	Presidency College.
" Rajaninuth	...	Hughli College.	" Hangeswar	...	Metropolitan Institution.
" Rajendranath	...	Free Church Institution.	" Haripada	...	Hughli College.
" Saratchandra	...	City College.	" Haripada	...	Presidency College.
" Satishchandra	...	Presidency College.	" Jogindrachandra, No. 2,	...	Metropolitan Institution.
" Siddheswar	...	Hughli College.	" Kalidas	...	Hughli College.
" Sitalprasad	...	Presidency College.	" Kalikannanda	...	Presidency College.
" Surendrachandra	...	Ditto.	" Kaliprasanna	...	General Assembly's Institution.
" Surendranath	...	Metropolitan Institution.	" Kedareswar	...	Metropolitan Institution.
Ghoshal, Hemendranath	...	Ditto	" Kshitibhushan	...	Krishnagar College.
170 Godfrey, L. E.	...	Doretton College.	" Lalimohan	...	City College.
Gopal GaneshtRanade	...	Canning College.	250 " Mahendranath	...	Ditto.
Goswami, Kunjabihari	...	Free Church Institution.	" Rajendranath	...	Hughli College.
" Sasibhushan	...	Rajshahye College.	" Ramchandra	...	Metropolitan Institution.
Guha, Jogindranath	...	General Assembly's Institution.	" Saratchandra	...	Presidency College.
" Kedarnath	...	Metropolitan Institution.	" Sasibhushan	...	City College.
" Maheschandra	...	Rajshahye College.	" Sureschandra	...	Free Church Institution.
" Mohimochandra	...	Muir Central College.	" Susilendra	...	Teacher.
Gupta, Anilchandra	...	Teacher.	" Taraprasanna	...	Metropolitan Institution.
" Asutosh	...	Free Church Institution.	Munshi, Dakshinacharan	...	Rajshahye College.
180 " Baradacharan	...	Presidency College.	Murphy, E. A. B. E.	...	Mussoorie School.
" Charuchandra	...	Metropolitan Institution.	260 Mustafi, Manmatha	...	Metropolitan Institution.
" Gurulal	...	Teacher.	" Nag, Jyotindranmohan	...	Ditto.
" Rasiklal	...	Metropolitan Institution.	Nandi, Rajaninath	...	General Assembly's Institution.
" Sibauath	...	Ditto.	" Niyogi, Manmohan	...	Ditto.
Hajra, Phakirdas	...	Ditto.	Nownidh Lal	...	Patna College.
Haldar, S.	...	St. Xavier's College.	Owen, M.	...	St. Xavier's College.
Har Saran	...	Agra College.	Pal, Lakshminarayan	...	City College.
Hemayat Uddin	...	Dacca College.	" Saradaprasanna	...	Metropolitan Institution.
Htoon Chan	...	St. Xavier's College.	Palit, Kalicharan	...	General Assembly's Institution.
190 Kalka Singh	...	Canning College.	" Purnachandra	...	Ravenshaw College.
Kar, Binodinkanta	...	Dacca College.	270 Raghupershad	...	Canning College.
Kastagiri, Jogindralal	...	Metropolitan Institution.	Rai, Prithwi Nath	...	Muir Central College.
Keshav Vinayak Joshi	...	Canning College.	Ramprasad	...	Canning College.
Krishnaji Hari Datey	...	Ditto.	Ray, Chandrasekhar	...	General Assembly's Institution.
Kundu, Anandachandra	...	Free Church Institution.	" Gopalchandra	...	Free Church Institution.
Lala, Harbandhan Lal	...	Benares College.	" Kulachandra	...	Metropolitan Institution.
" Kalindi Prasada	...	Ditto.	" Lalimohan	...	General Assembly's Institution.
" Sivanandan Prasada	...	Ditto.	" Nripendrachandra	...	Metropolitan Institution.
Linton, C. H.	...	Teacher.	" Priyanath	...	City College.
200 Mahendrakisor	...	Patna College.	" Purnachandra	...	General Assembly's Institution.
Mahmud	...	Presidency College.	280 " Sitanath	...	Free Church Institution.
Maitra, Girindrachandra	...	Free Church Institution.	" Surendranath	...	Ditto.
" Mukundamohan	...	Presidency College.	Raychaudhuri Paresnath	...	Ditto.
Majumdar, Charuchandra	...	Hughli College.	Sailajaprasad	...	Patna College.
" Indrabhushan	...	Metropolitan Institution.	Sanyal Banichandra	...	Metropolitan Institution.
" Indubhushan	...	Presidency College.	Sarhadhikari Suresprasad	...	Metropolitan Institution.
" Mahananda	...	General Assembly's Institution.	Sarkar Baradakanta	...	General Assembly's Institution.
" Prasannakumar	...	Metropolitan Institution.	" Bhabataran	...	Free Church Institution.
" Rasbihari	...	Free Church Institution.	" Chintamanf	...	Metropolitan Institution.
210 " Umesochandra	...	Ditto.			
Mallik, Kalidas	...	Presidency College.			
Mandel, Ramkrishna	...	City College			

Sarkar, Kalipada	...	General Assembly's Institution.	Sinha, Kedarnath	...	General Assembly's Institution.
290 " Purnachandra	...	Metropolitan Institution.	" Madhusudan	...	Free Church Institution.
Sen, Asutosh	...	Free Church Institution.	" Ramlal	...	Patna College.
" Bhupendranath	...	General Assembly's Institution.	" Satischandra	...	Free Church Institution.
" Bipinchandra	...	Metropolitan Institution.	" Shamsherbahadur	...	L. M. College Benares.
" Dakshinaranjan	...	Ditto.	" Surendranath	...	Presidency College.
" Dinabandhu	...	St. Xavier's College.	Som, Baikunthnath	...	City College.
" Dinanath	...	Hughli College.	" Gopalchandra	...	Hughli College.
" Jyotindrachandra	...	Doverton College.	Sundar Das Suri	...	Teacher.
" Mathuranath	...	Metropolitan Institution.	Sur, Biharilal	...	Ditto.
" Phanibhushan	...	General Assembly's Institution.	" Sasibhushan	...	Free Church Institution.
300 " Saratchandra No. 2	...	Metropolitan Institution.	Surya Prasad	...	Patna College.
" Saratchandra	...	Benares College.	Syed Mahomed Ali	...	M. A. O. College, Aligarh.
" Sasikumar	...	General Assembly's Institution.	Syed Nazir Hassan	...	Free Church Institution.
" Surendrachandra	...	Doverton College.	Talukdar Harendrachandra	...	General Assembly's Institution.
" Taraprasad	...	Dacca College.	Thakur Dayal	...	Patna College.
Songupta, Ambikaprasad	...	General Assembly's Institution.	Thakur Kesabadasa	...	Muir Central College.
Sil, Maniklal	...	Free Church Institution.	" Narendranath	...	General Assembly's Institution.
" Ramhriday	...	Ditto.	Ukil, Syamacharan	...	Free Church Institution.
Sinha, Bankubihari	...	St. Xavier's College.	Veniz, H. C.	...	Benares College.
			Wilayat Husain	...	M. A. O. College, Aligarh.
			Yawar Hosain Khan	...	Patna College.
			330 Zahurul Husen	...	Teacher.
			331		

The undermentioned candidates have taken Honours in the B. A. Examination:—

*These Lists are arranged in Order of Merit.*

(C) indicates 1st division in	Chemistry and Physics.	(c) indicates 2nd division in	Chemistry and Physics.
(E) ...	English.	(e) ...	English.
(L) ...	Latin.	(l) ...	Latin.
(M) ...	Mathematics.	(m) ...	Mathematics.
(P) ...	Persian.	(p) ...	Persian.
(Ph) ...	Mental and Moral Science.	(ph) ...	Mental and Moral Science.
(S) ...	Sanskrit.	(s) ...	Sanskrit.

#### ENGLISH.

##### FIRST DIVISION.

1 Bhattacharyya, Janakinath. (S) (ph)	...	City College.	13 Bandyopadhyay, Chandra bhushan	...	Metropolitan Institution.
2 Mukhopadhyay, Durgadas. (Ph)	...	Free Church Institution.	14 { Majumdar, Surendranath	...	St. Xavier's College.
3 Wheeler, E. M. (L)	...	Presidency College.	" Sen, Jagadishchandra	...	Dacca College.
4 Das, Jogindranath	...	Ditto.	16 Ramachandra	...	Muir Central College.
5 { Das, Nibaranachandra. (Ph)	...	City College.	17 Dover, W. C.	...	St. Xavier's College.
" Fernando, M. J.	...	Free Church Institution.	18 { Chattopadhyay, Kshiro-	...	Presidency College.
7 Ahmad	...	Presidency College.	" chandra. (ph)	...	Dacca College.
8 Guha, Taraprasanna	...	Ditto.	" Guha, Umeshchandra	...	Muir Central College.
9 Datta, Manmathanath	...	Metropolitan Institution.	20 { Ghosh, Atulkrishna	...	Free Church Institution.
10 Kastagiri, Saradacharan	...	Ditto.	" Sarkar, Rajanikanta	...	Presidency College.
11 { Abdus Samad	...	Free Church Institution.	22 { Abdur Rahim	...	Dacca College.
" Chattopadhyay, Naliniranjan	...	Presidency College.	" Ghosh, Saratchandra	...	Patna College.
			24 De, Manmathanath	...	

##### SECOND DIVISION.

25 Azmat Ali Firoz	...	Muir Central College.	43 { Ghosh, Ambikacharan	...	Dacca College.
26 De, Ramnath. (Ph)	...	Presidency College	" Syamacharan	...	Patna College.
27 { Das, Bipinbihari (s)	...	Ditto.	" Gokulprasad. (s)	...	Muir Central College.
" Mukhopadhyay, Saratchandra	...	Benares College.	Zafarul Haq	...	Dacca College.
29 Ghosh, Surendranath	...	Dacca College.	47 Gupta, Bhubannmohan	...	Metropolitan Institution.
30 Chakrabarti, Phatikchandra	...	Krishnagar College.	48 Bardolai, Gopinath	...	General Assembly's Institution.
31 Dasgupta, Mathuranath	...	Patna College.	49 Dikshita, Ambikaprasad	...	Canning College.
32 Ray, Kalicharan	...	Free Church Institution.	50 Gupta, Sukhamay	...	Free Church Institution.
33 Bhaduri, Nabakrishna	...	Metropolitan Institution.	51 Bandyopadhyay, Purna chandra.	...	General Assembly's Institution.
34 Sen, Debeudranath	...	Teacher.	52 Chattopadhyay, Haraprasad	...	Free Church Institution.
35 Muhammad Husain Azmi	...	Muir Central College	53 Gupta, Kaminimohan	...	Ditto.
36 Shibbon Lal	...	Agra College.	54 Mitra, Hemchandra	...	Patna College.
37 Abdul Karim	...	Presidency College.	55 Ray, Saratchandra	...	Presidency College.
38 Yugala Kishora	...	L. M. College, Benares.	56 Kankaiya Lal Dave. (s)	...	Muir Central College.
39 Abdus Samad. (p)	...	Patna College	57 Gangopadhyay, Bhupal chandra. (s)	...	Presidency College.
40 Basu, Haridas	...	Metropolitan Institution.	58 Sarmabiswas, Raman-krishna	...	Dacca College.
41 Dasgupta, Prasannakumar. (s)	...	Dacca College.			
42 Gouri Sankar. (c)	...	Muir Central College			

## MENTAL AND MORAL SCIENCE.

## FIRST DIVISION.

1 Majumdar, Syamaprasanna	Presidency College.	7 Bandyopadhyay, Apurba-	
2 Raychaudhuri, Purna-		kumar	St. Xavier's College.
chandra	... Ditto.	8 Mitra, Basambad	City College.
3 Ghosh, Atalbihari	... Ditto.	9 { Chattopadhyay, Charu-	
4 Basu, Satyamanda	... Ditto.	chandra	Free Church Institution
5 De, Ramanath (e)	... Ditto.	Das, Nibgranchandra. (K)	City College.
6 Mukhopadhyay, Durga		11 Bandyopadhyay, Jagada-	
das. (K)	Free Church Institution.	nanda	Metropolitan Institution
		12 Kunjbehari Seth	Canning College.

## SECOND DIVISION.

13 Trimuckanant Sothey. (s)	Agra College.	18 Dipchand	Agra College.
14 Bhattacharyya, Janaki-		19 Das, Kanailal	Benares College.
nath. (E) (S)	City College.	20 Jugalbehari Makar	Agra College.
15 Nand Kishore Lall	Presidency College.	21 Haldar, Hirulal	General Assembly's Insti-
16 Mukhopadhyay, Kalisan-			tution.
kar	... Ditto.	22 Sen, Upendranath	Canning College.
17 Chattopadhyay, Kshirod-		23 Rajaram	Ditto
chandra. (K)	Ditto.		

## SANSKRIT.

## FIRST DIVISION.

1 Bhattacharyya, Janaki-		2 Chakrabarti, Sitalehan-	
nath. (E) (ph)	City College.	dra	City College.

## SECOND DIVISION.

3 Basu, Nityakrishna	Metropolitan Institution.	11 Gangopadhyay, Bhupal-	
4 Sen, Kamini	Bethune Female School.	chandra. (e)	Presidency College.
5 { Trimuckanant Sothey. (ph)	Agra College.	12 Das, Umakanta	City College.
Vinayak Rao Yadeo		13 De, Purnachandra	Metropolitan Institution.
Bhoje	Muir Central College.	14 Dasgupta, Prasannaku-	
7 Bandyopadhyay, Sasa-		mar. (e)	Dacca College.
dhar	Presidency College.	15 Bandyopadhyay, Prabha-	
8 Das, Bipinbihari. (e)	Ditto.	charan	Metropolitan Institution.
9 Kanhuia Lal Dave. (e)	Muir Central College.	16 Gokulprasad. (e)	Muir Central College.
10 Mukhopadhyay, Giris-		17 Bhattacharyya, Syama-	
chandra	Hughli College.	churan	Metropolitan Institution.
		18 Gangopadhyay, Pratap-	
		chandra	Dacca College.

## PERSIAN.

## FIRST DIVISION.

1 Zahhadur Rahim	Dacca College.	3 Hafiz Ibadullah	Agra College
2 Mubarak Husain	Muir Central College.		

## SECOND DIVISION.

4 Abdus Samad. (e)	Patna College.	5 Muhammad Habibullah	Patna College.
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## LATIN.

## FIRST DIVISION.

1 Wheeler, E. M. (K)	...	...	...	Presidency College.
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## SECOND DIVISION.

2 Billing, W.	...	...	...	Teacher.
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## HISTORY.

## FIRST DIVISION.

1 Mukhopadhyay, Satyachandra	...	...	City College.
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## SECOND DIVISION.

2 Sen, Bhaminiranjan...	City College.	4 Bandyopadhyay, Ramkrishna	City College
3 „ Kedarnath	Metropolitan Institution.		

## MATHEMATICS.

## FIRST DIVISION.

1 Basu, Abinashchandra	Presidency College.	3 Mitra, Srischandra. (e)...	Presidency College.
2 Bandyopadhyay, Kshetra-	Metropolitan Institution.		
mohan			

4	Haldar, Piya-rilal. (c) ...	Presidency College.	12	Kundu, Radhagobinda ...	Hughli College.
	{ Basak, Rajkisor ...	Ditto.	13	Datta, Radhakanta ...	Patna College.
	{ Das, Gobindachandra,		14	Bhattacharyya, Sarada-	
5	{ No. 1. (C) ...	Dacca College.		mohan ...	Dacca College.
	{ Mukhopadhyay, Abinas-		15	Ray, Kalikumar ...	Patna College.
	{ chandra ...	Presidency College.	16	Kshatriya, Debidayal ...	L. M. College, Benares.
8	Chaudhuri, Jnanendra-		17	Ghosh, Surendrakumar ...	Hughli College.
	nath. (c) ...	Ditto.	18	Datta, Satykrishna ...	Presidency College.
9	Dhar, Mohinimohan ...	Metropolitan Institution.	19	Narayan Moreswar Sane.	Muir Central College.
10	{ Bhattacharyya, Kalipada	Presidency College.			
	{ Chaturvedi, Badrinath ...	Muir Central College.			

1	Trivodi, Ramendrasundar	Presidency College.	2	Das, Gobindachandra,	
				No. 1. (un)	... Dacca College.

3	{ Haldar, Piyarilal. (m) ...	Presidency College.	8	Saha, Gangadas ...	Presidency College.
	{ Mitra, Srischandra. (M) ...	Ditto.	9	Kastagiri, Dhirendralal ...	Ditto.
6	{ Sinha, Sureschandra ...	Ditto.	10	Gouri Sankar. (e) ...	Muir Central College.
6	{ Chaudhuri, Jnanendra-nath. (m) ...	Ditto.			
	{ Sarkar, Annadaprasad ...	Ditto.			

W. GRIFFITHS,  
*Registrar.*

... Medical College.

1. Bandyopadhyay, Trailokyanath	...	...	Medical College.
2. Ghatak, Annadaprasanna	...	...	Ditto.
3. Nallatamby, C. W.	...	...	Ditto.

SENATE HOUSE, *the 11th May 1886.*

<b>LIABILITIES.</b>					
	#	a.	p.		
Capital paid-up . . . . .	2,00,00,000	0	0		
Reserve Fund . . . . .	41,56,684	15	0		
Public Deposits at Head Office      #        a.     p. . 1,11,62,381    7     3 } Public Deposits at Branches                  1,26,31,916   15   1 } Other Deposits at Head Office and Branches . . . . .	2,37,94,298	6	4		
. . . . .	2,87,41,953	14	2		
Bank Post Bills, &c. . . . .	3,18,623	8	0		
Sundries . . . . .	18,15,196	9	4		
RUPERS	7,88,26,757	4	10		

<b>ASSETS.</b>					
	#	a.	p.		
Government Securities . . . . .	61,41,807	4	0		
Other authorized Investments . . . . .	46,29,342	8	0		
Loans on Government and other authorized Securities . . . . .	1,06,79,847	3	7		
Accounts of Credit on Government and other authorized Securities . . . . .	82,73,026	13	10		
Bills discounted and purchased . . . . .	2,47,91,632	8	0		
Balances with other Banks . . . . .	8,18,129	11	4		
Bullion . . . . .	24,972	4	4		
Dead Stock . . . . .	11,35,785	9	8		
Stamps . . . . .	8,998	5	0		
Sundries . . . . .	6,52,928	14	10		
Cash and Cur- rency Notes at Head Office . . . . .	83,30,519	15	2		
Cash and Cur- rency Notes at Branches . . . . .	1,33,39,766	3	1		
RUPERS	7,88,26,757	4	10		

By Order of the Directors,  
W. D. CRUICKSHANK,  
*Offg. Secretary & Treasurer.*

Rate for Demand Loans 6 per cent.  
Percentage 39'6.

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATIONS.

*Simla, the 22nd April 1886.*

**No. 9.**—The services of 2nd Grade Senior Apothecary Thomas Lyons are placed at the disposal of the Bengal Government for permanent civil employment.

**No. 10.**—The services of the undermentioned 1st Grade Apothecaries are placed at the disposal of the Bengal Government, with effect from the dates specified:—

Richard Michael Blaker,—18th January 1886  
James Kelly,—23rd January 1886.

B. SIMPSON, M.D.,

*\* Surgeon-General with the Govt. of India.*

## TELEGRAPH DEPARTMENT.

### NOTIFICATION.

*\* Simla, the 10th May 1886.*

Offices reported opened and closed during the month of April 1886:—

Name of Station.	Where situated.	Date.	REMARKS.
Aska . . . . .	Madras Presdy. .	9th Apl.	Opened.
Boileauganj . . . .	(Simla) Punjab .	1st "	Ditto.
Darjeeling (Secretariat).	(Darjeeling) Bengal.	16th "	Ditto.
Erinpura . . . . .	Rajputana . . .	19th Mar.	Ditto.
Landour . . . . .	N.-W. Provinces .	1st Apl.	Ditto.
Maimensing . . . .	Eastern Bengal .	4th "	Ditto.
Mussooree (Library Bazar).	N.-W. Provinces .	1st "	Ditto.
Panipat . . . . .	Punjab . . . .	25th "	Ditto.
Ranikhet Cantonment.	N.-W. Provinces .	15th "	Ditto.
Sojat . . . . .	Rajputana . . .	6th "	Ditto.
Yandoon . . . . .	Burmah . . . .	19th Mar.	Ditto.
Chunian . . . . .	Punjab . . . .	30th Apl.	Closed.
Gyobin (field Office).	Upper Burmah .	5th "	Ditto.
Malabar Point . . .	Bombay . . . .	3rd "	Ditto.
Sittang . . . . .	Burmah . . . .	8th "	Ditto.
<i>Railway.</i>			
Ajodhya Junction .	Oudh and Rohilkund Ry.	10th Apl.	Opened.
Darshannagar . . .		10th "	Ditto.
Darshannagar . . .		14th "	Closed.
Bhimun . . . . .	Bhopal-Jhansi-Cawnpore Section of Indian Midland Ry.	1st "	Opened.
Chowra . . . . .			
Pakhram . . . . .			
Paman . . . . .			
Lalpur . . . . .	Assam-Bihar State Ry.	15th "	Ditto.
Manihari . . . . .			
Purneah . . . . .		19th "	Ditto.

**No. 3.**—Mr. J. W. B. Duthy, Superintendent, 5th Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 15th April 1886

A. J. LEPPOC CAPPEL,

*Director General of Telegraphs in India.*

## INDO-EUROPEAN TELEGRAPH DEPARTMENT.

### NOTIFICATION.

*Calcutta, the 13th May 1886.*

**No. 142.**—Mr. F. A. Patten has been granted by the Director, Persian Gulf Telegraph, fur-

lough for one year and six months, under Section 50, and subsidiary leave not exceeding five days, under Section 18(a), of the Civil Leave Code, with effect from 9th April 1886, subject to the confirmation by the Director-in-Chief, Indo-European Telegraph.

J. GRIERSON, *Lt.-Col., B.S.C.,*

*Examiner of Telegraph Accounts.*

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

### NOTIFICATIONS.

*Indore Residency, the 5th May 1886.*

**No. 1796.**—Lieutenant C. P. Campbell, Officiating 4th Squadron Commander, 2nd Regiment, Central India Horse, is granted accumulated privilege leave for ninety days from the 12th May 1886, or such date as he may avail himself of it.

*The 7th May 1886.*

**No. 1818.**—Captain E. S. Masters, Adjutant, Bhopal Battalion, is granted thirty days' privilege leave from the 3rd May 1886.

*The 8th May 1886.*

**No. 1845.**—In accordance with Foreign Department Notification No. 836 G., dated the 19th April 1886, Major N. C. Martelli made over and Captain A. P. Thornton received charge of the Office of Political Agent in Bhopawar on the forenoon of the 3rd May 1886.

By Order,

F L PETRE,

*1st Asst. Agent to the Govr. Genl.  
for Central India.*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

### NOTIFICATIONS.

*Abu, the 5th May 1886*

**No. 1043 G.**—Surgeon W. W. Webb, Officiating Medical Officer, Meywar Bhil Corps, availed himself, on the forenoon of the 28th April 1886, of the privilege leave granted him in Foreign Department Notification No. 841 G., dated the 19th idem.

*The 7th May 1886.*

**No. 1063 G.**—Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, availed himself, on the afternoon of the 28th April 1886, of the privilege leave granted him in this Office Notification No. 811 G., dated the 14th idem

Surgeon P. D. Pank, Agency Surgeon, Bickaneer, will hold charge of the current duties of the Bickaneer Agency Office, in addition to his own, during Captain Talbot's absence, or until further orders.

*The 8th May 1886.*

**No. 1064 G.**—Second Class Hospital Assistant No. 241, Gopal Dass, received medical charge of the Meywar Bhil Corps on the forenoon of the 28th April 1886, in addition to his own duties, from Surgeon W. W. Webb, proceeding on sixty days' privilege leave.

**No. 1081 G.**—Colonel A. Conolly, Commandant, Meywar Bhil Corps, is granted privilege leave for sixty days, with effect from the 20th May 1886, or such subsequent date as he may avail himself of the same.

*The 10th May 1886.*

**No. 1094 G.**—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwar, is granted two months' privilege leave, with effect from the 17th May 1886, or such subsequent date as he may avail himself of the same.

By Order,  
HUGH DALY,

for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

### NOTIFICATIONS.

*Mount Abu, the 7th May 1886.*

**No. 459-562 IV.**—Mr. R. S. Whiteway, C.S., Settlement Officer, Ajmere-Merwara, after making over charge of his Office to the Commissioner, availed himself, on the afternoon of the 19th April 1886, of the furlough granted him in Foreign Department Notification No. 463 G., dated the 10th March 1886.

*The 8th May 1886.*

**No. 475-96 III.**—With reference to the Agent to the Governor General's Notification No. 815 G., dated the 14th April 1886, Colonel F. W. Boileau made over charge of the Office of Cantonment Magistrate, Deoli, to Lieutenant J. A. Bell on the afternoon of the 22nd April 1886.

Lieutenant Bell is invested with the powers of a Magistrate of the 2nd Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), with effect from the 22nd ultimo, to be exercised during the time he may act as Cantonment Magistrate.

By Order,  
HUGH DALY,

for 1st Asst. to the Agent to the Govr. Genl.

**No. 1117 S.**—Whereas land is required in the Ajmere District for a public purpose, namely, for the proposed approach road to the Conservancy Collecting Station, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870:—

District.	Pargana.	Village.	AMOUNT REQUIRED FOR OCCUPATION		TOTAL.	Purpose for which required.	REMARKS.
			Permanently.	Temporarily.			
			A. R. P.	A. R. P.	A. R. P.		
Ajmere	Ajmere	Ajmere	0 3 10	..	0 3 10	For the proposed approach road from the Quasarganj to the Conservancy Collecting Station.	The plan can be inspected at the Office of the Assistant Commissioner, Ajmere.

By Order,

S. S. JACOB, *Lieut.-Colonel*,  
Offg. Secy. to the Chief Commr. Ajmere & Merwara.

## CALCUTTA MINT.

### NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists (Home Department Resolution No. 46-1668-82, dated 9th October 1884).

No.	DESCRIPTION	Metal.	Value			Number available for sale.	REMARKS.
			R	a.	p.		
1	Found in the Fattchgarh District. Coins of Mauzz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	2	These coins will be available for sale up to and not later than the 4th September 1886.
				each			
4	Found at Chaibassa, in the Singbhum District. Old Hindu punched coins.	Silver.	0	4	0	214	Do. 7th December 1886
				each			
22	Found in the Gupat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894-923 = A.D. 1488-1-17, with imperfect dates.	Copper.	0	1	0	45	Do. 17th January 1887.]
				each			
23	Ditto with illegible dates.	Do.	0	0	6	101	
				each			

A. W. BAIRD, *Major, R.E.*,  
Offg. Master of the Mint.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th May 1886.

PUBLIC WORKS—BUILDINGS AND ROADS AND MILITARY WORKS BRANCH AND TELEGRAPH.				IRRIGATION.				STATE RAILWAYS (CAPITAL).				STATE RAILWAYS (REVENUE).			
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	Feb. 1886	Apr. 19, 1886	1	Rajputana	Feb. 1886	Apr. 16, 1886	1	Amritsar-Pathankot	Feb. 1886	Mar. 19, 1886	1	Amritsar-Pathankot	Feb. 1886	Mar. 19, 1886
2	Port Blair	Do	Do. 22, "	2	Punjab	Do	Do. 21, "	2	Bengal-Lectal	Do	Apr. 3, "	2	British Burma	Do	Apr. 24, "
3	Punjab	Do	Do. 24, "	3	Bombay	Do	Do. 24, "	3	British Burma	Do	Do. 16, "	3	Eastern Bengal	Do	Do. 24, "
4	Central Provinces	Do	Do. 27, "	4	Madras	Do	Do. 27, "	4	State Ry. Stores Branch	Do	Do. 20, "	4	Cawnpore-Achneya	Do	Do. 25, "
5	Hyderabad (Imperial)	Do	Do. 29, "	5	Military Works Branch	Do	May 1, "	5	Cawnpore-Achneya	Do	Do. 20, "	5	Kaunia-Dhuria	Do	Do. 25, "
6	Military Works Branch	Do	May 1, "	6	British Burma	Do	Do. 3, "	6	Punjab Prov. Surveys	Do	Do. 21, "	6	Northern Bengal	Do	Do. 27, "
7	Assam	Do	Do. 3, "	7	Bengal	Do	Do. 3, "	7	Sindh-Sagar	Do	Do. 21, "	7	Umanah-Colliery	Do	Do. 27, "
8	North-Western Provinces and Oudh.	Do	Do. 6, "	8	North-Western Provinces and Oudh.	Do	Do. 6, "	8	Assam	Do	Do. 21, "	8	Umanah-Colliery	Do	Do. 27, "
9	Central India (Assigned Districts).	Do	Do. 27, "	9	Central India (Assigned Districts).	Do	Do. 27, "	9	Bengal & North-Western	Do	Do. 21, "	9	Nagpur-Chhattisgarh	Do	Do. 27, "
10	Madras	Do	Do. 27, "	10	Madras	Do	Do. 27, "	10	Eastern Bengal	Do	Do. 21, "	10	Nagpur-Chhattisgarh	Do	Do. 27, "
11	British Burma	Do	Do. 27, "	11	British Burma	Do	Do. 27, "	11	Belgaum-Elawah	Do	Do. 21, "	11	Wardah Coal	Do	Do. 27, "
12	North-Western Provinces and Oudh.	Do	Do. 27, "	12	North-Western Provinces and Oudh.	Do	Do. 27, "	12	Rewari-Ferozepore	Do	Do. 21, "	12	Dacca-Mymensing	Do	Do. 27, "
13	Bengal	Do	Do. 27, "	13	Bengal	Do	Do. 27, "	13	Wardah Coal	Do	Do. 21, "	13	Bengal Administrative Charges.	Do	Do. 27, "
14	Central India (Assigned Districts).	Do	Do. 27, "	14	Central India (Assigned Districts).	Do	Do. 27, "	14	Assam Railway Surveys	Do	Do. 21, "	14	Rhopal	Do	Do. 27, "
15	British Burma	Do	Do. 27, "	15	British Burma	Do	Do. 27, "	15	Dacca-Mymensing	Do	Do. 21, "	15	Southern Mahratta	Do	Do. 27, "
16	North-Western Provinces and Oudh.	Do	Do. 27, "	16	North-Western Provinces and Oudh.	Do	Do. 27, "	16	Kaunia-Dhuria	Do	Do. 21, "	16	East Indian	Do	Do. 27, "
17	Bengal	Do	Do. 27, "	17	Bengal	Do	Do. 27, "	17	Nalhati	Do	Do. 21, "	17	East Indian	Do	Do. 27, "
18	Central India (Assigned Districts).	Do	Do. 27, "	18	Central India (Assigned Districts).	Do	Do. 27, "	18	Nagpur-Chhattisgarh	Do	Do. 21, "	18	Rajputana-Malwah	Do	Do. 27, "
19	Madras	Do	Do. 27, "	19	Madras	Do	Do. 27, "	19	Umanah-Colliery Works	Do	Do. 21, "	19	Rajputana-Malwah	Do	Do. 27, "
20	British Burma	Do	Do. 27, "	20	British Burma	Do	Do. 27, "	20	Umanah-Colliery Works	Do	Do. 21, "	20	Rajputana-Malwah	Do	Do. 27, "
21	North-Western Provinces and Oudh.	Do	Do. 27, "	21	North-Western Provinces and Oudh.	Do	Do. 27, "	21	Umanah-Colliery Works	Do	Do. 21, "	21	Rajputana-Malwah	Do	Do. 27, "
22	Bengal	Do	Do. 27, "	22	Bengal	Do	Do. 27, "	22	Umanah-Colliery Works	Do	Do. 21, "	22	Rajputana-Malwah	Do	Do. 27, "
23	Central India (Assigned Districts).	Do	Do. 27, "	23	Central India (Assigned Districts).	Do	Do. 27, "	23	Umanah-Colliery Works	Do	Do. 21, "	23	Rajputana-Malwah	Do	Do. 27, "
24	Madras	Do	Do. 27, "	24	Madras	Do	Do. 27, "	24	Umanah-Colliery Works	Do	Do. 21, "	24	Rajputana-Malwah	Do	Do. 27, "
25	British Burma	Do	Do. 27, "	25	British Burma	Do	Do. 27, "	25	Umanah-Colliery Works	Do	Do. 21, "	25	Rajputana-Malwah	Do	Do. 27, "
26	North-Western Provinces and Oudh.	Do	Do. 27, "	26	North-Western Provinces and Oudh.	Do	Do. 27, "	26	Umanah-Colliery Works	Do	Do. 21, "	26	Rajputana-Malwah	Do	Do. 27, "
27	Bengal	Do	Do. 27, "	27	Bengal	Do	Do. 27, "	27	Umanah-Colliery Works	Do	Do. 21, "	27	Rajputana-Malwah	Do	Do. 27, "
28	Central India (Assigned Districts).	Do	Do. 27, "	28	Central India (Assigned Districts).	Do	Do. 27, "	28	Umanah-Colliery Works	Do	Do. 21, "	28	Rajputana-Malwah	Do	Do. 27, "
29	Madras	Do	Do. 27, "	29	Madras	Do	Do. 27, "	29	Umanah-Colliery Works	Do	Do. 21, "	29	Rajputana-Malwah	Do	Do. 27, "
30	British Burma	Do	Do. 27, "	30	British Burma	Do	Do. 27, "	30	Umanah-Colliery Works	Do	Do. 21, "	30	Rajputana-Malwah	Do	Do. 27, "
31	North-Western Provinces and Oudh.	Do	Do. 27, "	31	North-Western Provinces and Oudh.	Do	Do. 27, "	31	Umanah-Colliery Works	Do	Do. 21, "	31	Rajputana-Malwah	Do	Do. 27, "
32	Bengal	Do	Do. 27, "	32	Bengal	Do	Do. 27, "	32	Umanah-Colliery Works	Do	Do. 21, "	32	Rajputana-Malwah	Do	Do. 27, "
33	Central India (Assigned Districts).	Do	Do. 27, "	33	Central India (Assigned Districts).	Do	Do. 27, "	33	Umanah-Colliery Works	Do	Do. 21, "	33	Rajputana-Malwah	Do	Do. 27, "
34	Madras	Do	Do. 27, "	34	Madras	Do	Do. 27, "	34	Umanah-Colliery Works	Do	Do. 21, "	34	Rajputana-Malwah	Do	Do. 27, "
35	British Burma	Do	Do. 27, "	35	British Burma	Do	Do. 27, "	35	Umanah-Colliery Works	Do	Do. 21, "	35	Rajputana-Malwah	Do	Do. 27, "
36	North-Western Provinces and Oudh.	Do	Do. 27, "	36	North-Western Provinces and Oudh.	Do	Do. 27, "	36	Umanah-Colliery Works	Do	Do. 21, "	36	Rajputana-Malwah	Do	Do. 27, "
37	Bengal	Do	Do. 27, "	37	Bengal	Do	Do. 27, "	37	Umanah-Colliery Works	Do	Do. 21, "	37	Rajputana-Malwah	Do	Do. 27, "
38	Central India (Assigned Districts).	Do	Do. 27, "	38	Central India (Assigned Districts).	Do	Do. 27, "	38	Umanah-Colliery Works	Do	Do. 21, "	38	Rajputana-Malwah	Do	Do. 27, "
39	Madras	Do	Do. 27, "	39	Madras	Do	Do. 27, "	39	Umanah-Colliery Works	Do	Do. 21, "	39	Rajputana-Malwah	Do	Do. 27, "
40	British Burma	Do	Do. 27, "	40	British Burma	Do	Do. 27, "	40	Umanah-Colliery Works	Do	Do. 21, "	40	Rajputana-Malwah	Do	Do. 27, "
41	North-Western Provinces and Oudh.	Do	Do. 27, "	41	North-Western Provinces and Oudh.	Do	Do. 27, "	41	Umanah-Colliery Works	Do	Do. 21, "	41	Rajputana-Malwah	Do	Do. 27, "
42	Bengal	Do	Do. 27, "	42	Bengal	Do	Do. 27, "	42	Umanah-Colliery Works	Do	Do. 21, "	42	Rajputana-Malwah	Do	Do. 27, "
43	Central India (Assigned Districts).	Do	Do. 27, "	43	Central India (Assigned Districts).	Do	Do. 27, "	43	Umanah-Colliery Works	Do	Do. 21, "	43	Rajputana-Malwah	Do	Do. 27, "
44	Madras	Do	Do. 27, "	44	Madras	Do	Do. 27, "	44	Umanah-Colliery Works	Do	Do. 21, "	44	Rajputana-Malwah	Do	Do. 27, "
45	British Burma	Do	Do. 27, "	45	British Burma	Do	Do. 27, "	45	Umanah-Colliery Works	Do	Do. 21, "	45	Rajputana-Malwah	Do	Do. 27, "
46	North-Western Provinces and Oudh.	Do	Do. 27, "	46	North-Western Provinces and Oudh.	Do	Do. 27, "	46	Umanah-Colliery Works	Do	Do. 21, "	46	Rajputana-Malwah	Do	Do. 27, "
47	Bengal	Do	Do. 27, "	47	Bengal	Do	Do. 27, "	47	Umanah-Colliery Works	Do	Do. 21, "	47	Rajputana-Malwah	Do	Do. 27, "
48	Central India (Assigned Districts).	Do	Do. 27, "	48	Central India (Assigned Districts).	Do	Do. 27, "	48	Umanah-Colliery Works	Do	Do. 21, "	48	Rajputana-Malwah	Do	Do. 27, "
49	Madras	Do	Do. 27, "	49	Madras	Do	Do. 27, "	49	Umanah-Colliery Works	Do	Do. 21, "	49	Rajputana-Malwah	Do	Do. 27, "
50	British Burma	Do	Do. 27, "	50	British Burma	Do	Do. 27, "	50	Umanah-Colliery Works	Do	Do. 21, "	50	Rajputana-Malwah	Do	Do. 27, "
51	North-Western Provinces and Oudh.	Do	Do. 27, "	51	North-Western Provinces and Oudh.	Do	Do. 27, "	51	Umanah-Colliery Works	Do	Do. 21, "	51	Rajputana-Malwah	Do	Do. 27, "
52	Bengal	Do	Do. 27, "	52	Bengal	Do	Do. 27, "	52	Umanah-Colliery Works	Do	Do. 21, "	52	Rajputana-Malwah	Do	Do. 27, "
53	Central India (Assigned Districts).	Do	Do. 27, "	53	Central India (Assigned Districts).	Do	Do. 27, "	53	Umanah-Colliery Works	Do	Do. 21, "	53	Rajputana-Malwah	Do	Do. 27, "
54	Madras	Do	Do. 27, "	54	Madras	Do	Do. 27, "	54	Umanah-Colliery Works	Do	Do. 21, "	54	Rajputana-Malwah	Do	Do. 27, "
55	British Burma	Do	Do. 27, "	55	British Burma	Do	Do. 27, "	55	Umanah-Colliery Works	Do	Do. 21, "	55	Rajputana-Malwah	Do	Do. 27, "
56	North-Western Provinces and Oudh.	Do	Do. 27, "	56	North-Western Provinces and Oudh.	Do	Do. 27, "	56	Umanah-Colliery Works	Do	Do. 21, "	56	Rajputana-Malwah	Do	Do. 27, "
57	Bengal	Do	Do. 27, "	57	Bengal	Do	Do. 27, "	57	Umanah-Colliery Works	Do	Do. 21, "	57	Rajputana-Malwah	Do	Do. 27, "
58	Central India (Assigned Districts).	Do	Do. 27, "	58	Central India (Assigned Districts).	Do	Do. 27, "	58	Umanah-Colliery Works	Do	Do. 21, "	58	Rajputana-Malwah	Do	Do. 27, "
59	Madras	Do	Do. 27, "	59	Madras	Do	Do. 27, "	59	Umanah-Colliery Works	Do	Do. 21, "	59	Rajputana-Malwah	Do	Do. 27, "
60	British Burma	Do	Do. 27, "	60	British Burma	Do	Do. 27, "	60	Umanah-Colliery Works	Do	Do. 21, "	60	Rajputana-Malwah	Do	Do. 27, "
61	North-Western Provinces and Oudh.	Do	Do. 27, "	61	North-Western Provinces and Oudh.	Do	Do. 27, "	61	Umanah-Colliery Works	Do	Do. 21, "	61	Rajputana-Malwah	Do	Do. 27, "
62	Bengal	Do	Do. 27, "	62	Bengal	Do	Do. 27, "	62	Umanah-Colliery Works	Do	Do. 21, "	62	Rajputana-Malwah	Do	Do. 27, "
63	Central India (Assigned Districts).	Do	Do. 27, "	63	Central India (Assigned Districts).	Do	Do. 27, "	63	Umanah-Colliery Works	Do	Do. 21, "	63	Rajputana-Malwah	Do	Do. 27, "
64	Madras	Do	Do. 27, "	64	Madras	Do	Do. 27, "	64	Umanah-Colliery Works	Do	Do. 21, "	64	Rajputana-Malwah	Do	Do. 27, "
65	British Burma	Do	Do. 27, "	65	British Burma	Do	Do. 27, "	65	Umanah-Colliery Works	Do	Do. 21, "	65	Rajputana-Malwah	Do	Do. 27, "
66	North-Western Provinces and Oudh.	Do	Do. 27, "	66	North-Western Provinces and Oudh.	Do	Do. 27, "	66	Umanah-Colliery Works	Do	Do. 21, "	66	Rajputana-Malwah	Do	Do. 27, "
67	Bengal	Do	Do. 27, "	67	Bengal	Do	Do. 27, "	67	Umanah-Colliery Works	Do	Do. 21, "	67	Rajputana-Malwah	Do	Do. 27, "
68	Central India (Assigned Districts).	Do	Do. 27, "	68	Central India (Assigned Districts).	Do	Do. 27, "	68	Umanah-Colliery Works	Do	Do. 21, "	68	Rajputana-Malwah	Do	Do. 27, "
69	Madras	Do	Do. 27, "	69	Madras	Do	Do. 27, "	69	Umanah-Colliery Works	Do	Do. 21, "	69	Rajputana-Malwah	Do	Do. 27, "
70	British Burma	Do	Do. 27, "	70	British Burma	Do	Do. 27, "	70	Umanah-Colliery Works	Do	Do. 21, "	70	Rajputana-Malwah	Do	Do. 27, "
71	North-Western Provinces and Oudh.	Do	Do. 27, "	71	North-Western Provinces and Oudh.	Do	Do. 27, "	71	Umanah-Colliery Works	Do	Do. 21, "	71	Rajputana-Malwah	Do	Do. 27, "
72	Bengal	Do	Do. 27, "	72	Bengal	Do	Do. 27, "	72	Umanah-Colliery Works	Do	Do. 21, "	72	Rajputana-Malwah	Do	Do. 27, "
73	Central India (Assigned Districts).	Do	Do. 27, "	73	Central India (Assigned Districts).	Do	Do. 27, "	73	Umanah-Colliery Works	Do	Do. 21, "	73	Rajputana-Malwah	Do	Do. 27, "
74	Madras	Do	Do. 27, "	74	Madras	Do	Do. 27, "	74	Umanah-Colliery Works	Do	Do. 21, "	74	Rajputana-Malwah	Do	Do. 27, "
75	British Burma	Do	Do. 27, "	75	British Burma	Do	Do. 27, "	75	Umanah-Colliery Works	Do	Do. 21, "	75	Rajputana-Malwah	Do	Do. 27, "
76	North-Western Provinces and Oudh.	Do	Do. 27, "	76	North-Western Provinces and Oudh.	Do	Do. 27, "	76	Umanah-Colliery Works	Do	Do. 21, "	76	Rajputana-Malwah	Do	Do. 27, "
77	Bengal	Do	Do. 27, "	77	Bengal	Do	Do. 27, "	77	Umanah-Colliery Works	Do	Do. 21, "	77	Rajputana-Malwah	Do	Do. 27, "
78	Central India (Assigned Districts).	Do	Do. 27, "	78	Central India (Assigned Districts).	Do	Do. 27, "	78	Umanah-Colliery Works	Do	Do. 21, "	78	Rajputana-Malwah	Do	Do. 27, "
79	Madras	Do	Do. 27, "	79	Madras	Do	Do. 27, "	79	Umanah-Colliery Works	Do	Do. 21, "	79	Rajputana-Malwah	Do	Do. 27, "
80	British Burma	Do	Do. 27, "	80	British Burma	Do	Do. 27, "	80	Umanah-Colliery Works	Do	Do. 21, "	80	Rajputana-Malwah	Do	Do. 27, "
81	North-Western Provinces and Oudh.	Do	Do. 27, "	81	North-Western Provinces and Oudh.	Do	Do. 27, "	81	Umanah-Colliery Works	Do	Do. 21, "	81	Rajputana-Malwah	Do	Do. 27, "
82	Bengal	Do	Do. 27, "	82	Bengal	Do	Do. 27, "	82	Umanah-Colliery Works	Do	Do. 21, "	82	Rajputana-Malwah	Do	Do. 27, "
83	Central India (Assigned Districts).	Do	Do. 27, "	83	Central India (Assigned Districts).	Do	Do. 27, "	83	Umanah-Colliery Works	Do	Do. 21, "	83	Rajputana-Malwah	Do	Do. 27, "
84	Madras	Do	Do. 27, "	84	Madras	Do	Do. 27, "	84	Umanah-Colliery Works	Do	Do. 21, "	84	Rajputana-Malwah	Do	Do. 27, "</

**DIRECTOR GENERAL OF RAILWAYS.****NOTIFICATIONS.—ESTABLISHMENT.***Simla, the 5th May 1886.*

**No. 42.**—Mr. A. Morse, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on 19th April 1886.

*The 10th May 1886.*

**No. 43.**—Mr. E. N. Homan, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is transferred, in the interests of the public service, from the Sind-Pishin State Railway, Northern Section, to the Bellary-Kistna State Railway.

F. S. STANTON, *Colonel, R.E.,**Director General of Railways.***Statement of Silver Balance in the Calcutta Mint for the week ending 12th May 1886.**

Value of silver held in the Mint on account of the Currency Department on the evening of the 5th May 1886 . . . . .	R	R
Value of Government silver in the Mint on the same date . . . . .	8,92,654	
	6,84,486	15,77,140
<b>ADD—</b> Silver received by the Mint during the week on account of the Currency Department Ditto ditto Government . . . . .	453 211	664
<b>DEDUCT—</b> New coin paid to Reserve Treasury during the week . . . . . Petty items issued for miscellaneous purposes . . . . .	1,93,000 ...	15,77,804 1,93,000
Balance on the evening of the 12th May 1886 . . . . .	...	13,84,804
<b>The Balance comprises—</b> Silver held on account of the Currency Department . . . . . Ditto ditto Government . . . . .	6,25,329 7,59,475	
There is in addition awaiting assay— Bullion belonging to Private Individuals . . . . . Ditto ditto Currency Department . . . . .	9,077 55,85,350	13,84,804 55,94,427

A. W. BAIRD, *Major, R.E.,**Offg. Master of the Mint.*

CALCUTTA MINT,

*The 13th May 1886.***CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is

warned to communicate at once with the undersigned :—

**Allahabad Circle.****NOTE WHOLLY LOST OR DESTROYED.**

Regt. No.	No. of Note.	Value.	Name of Claimant.
6	N 4—17554	50	Madan Mohan, Allahabad.
	ALLAHABAD,		
	The 12th May 1886.		

H. J. BRERETON,

*Asst. Accountant Genl.,**In charge of Paper Currency Office.***Lahore Circle.****NOTES WHOLLY LOST OR DESTROYED.**

Regt. No.	No. of Notes.	Value.	Name of Claimant.
6	E 26—26187* . . . . .	100	Chiman Lal and Kidar Nath,
	" —26188* . . . . .	100	Kurnal.
	* Sent to Agency No. 1, Rawalpindi.		

LAHORE,

*The 8th May 1886.*

W. H. EGERTON,

*for Deputy Commissioner of Currency.***GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.**

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 25th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye-sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,

*Principal Govt. Engineering College.*

SEEBPORE,

*The 22nd April 1886.***FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.**

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and  $1\frac{1}{2}$  inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus }  
for carriage to Patna. } R43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,

Principal Assistant to Opium  
Agent, Behar, Patna

## POST OFFICE.

### NOTIFICATIONS.

Simla, the 13th April 1886.

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated:—

HALF-ANNA SQUARE ENVELOPES.			
Any number less than 16	each	0	0
Packets of 16	per packet	0	10

Example—

3 envelopes cost	0	2	0
6 " "	0	4	0
12 " "	0	8	0

ONE-ANNA SQUARE ENVELOPES.			
Any number less than 8	each	0	1
Packets of 8	per packet	0	9

Example—

3 envelopes cost	0	3	6
6 " "	0	7	0

REGISTRATION ENVELOPES, SMALL SIZE.			
Any number less than 16	each	0	2
Packets of 16	per packet	2	2

Example—

3 envelopes cost	0	6	6
6 " "	0	13	0
12 " "	1	10	0

REGISTRATION ENVELOPES, LARGE SIZE.			
Any number less than 8	each	0	2
Packets of 8	per packet	1	5
" of 16	" "	2	10

Example—

3 envelopes cost	0	5	0
6 " "	1	0	0

2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of  $4\frac{1}{2}$  annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

The 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *via* the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 5th May 1886.

No. 1808.—Lala Debiprasad is appointed to officiate as Superintendent, Post Master General's Office, Allahabad.

G. J. HYNES,

for Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 13th May 1886.

Fletcher, Mrs. Gairty, A.	Morton, Mrs. A. Schulze, W.	Smith, Mrs. Brooker, Wybergh, Rev. F. L.
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Letters marked "Care of Post Office."

Amam, A.	Gilbert, Mrs. M.	Prentiss, R. C. Camphen
Bate, J. N.	Gnodall, Miss.	Pyle, Mrs. C. L.
Biggs, Mon. E.	Gow, J. P.	Randall, T.
Booth, P.	Grant, Mrs. M.	Rice, W. C. I.
Bose, P. N.	Groseman, Sgt. L.	Richmond, H. W.
Bowers, S.	Guerrier, H. J.	Rishworth, B. J.
B. R.	Gustave, Eug.	R. M. E., Miss.
Brunner, Baron de.	Hutton, Lt. Col.	Salten, Miss M.
Brundon, Mrs. J.	Imman, Capt. C.	Schmid, Otto
Capt. Lt.-Col. C. B. H.	Imman, J. mes.	Sharpe, Capt. A.
Chenacery, G. F.	Jackson, J. J. D.	Shaw, H. J.
Chelton, H.	Kelly, Mrs. G.	Simpson, Percy.
Clarke, F. G.	R. T. M.	Smallwood, Geo.
Coley, Mr.	Kirkbride, J.	Smart, Mrs. R. B.
Crawford, J.	Lea, Jay.	Smith, J. M.
D. C. J. E.	Lemaître, A.	Sole, Rev. A. B.
Dessa, H. T.	M. O.	Speer, A. E.
Dunneock, Basil.	Manfield, J. J.	Standards, Walter.
D'Nello, Jose.	McDonald, Miss.	Stone, Mrs. F.
Dodd, C. B. N.	McGrath, Edwin	Storey, A.
Druy, Surgeon F. J.	McLaughlin, John.	Strow, Mrs. R.
Dukes, Mrs.	Milner, Capt. John C.	Swanger, Mrs. C.
Dundas, Mrs.	Minnick, Mr.	T. J. J. J.
Dwanis, J. H.	Morris, Paul.	Thomson, G.
Earl, T. S.	Nellie, Miss N.	Thompson, R. D.
Easton, Percy H.	Norville, Mrs. L.	Walker, G. A.
Ellis, Mrs. Jas.	Olsen, J.	Walker, F. C.
Entwistle, R.	Parker, Mrs. A. H.	Ward, Lieut. H. R.
Ferrell, Mrs. J. B.	Percy, A.	Ware, W. H.
Fez, Lt. Col.	Petersen, Dr. Geo.	Wessendorf, Henri.
Gayer, A. H.	Phillips, W. G. St. V.	Wilson, Mrs. Mark.
	Power, J. O.	

**Registered Letters.**

Anderson, James. Grogan, H. C. Sterzulica, David.  
Brenner, Baron Jonchlm. Guerrier, H. J. Watson, A. W.  
DeGruyther, L. Ross, A.

**Unclaimed Letters held in the Barrackpore Post Office on the 10th May 1886.**

Agan, H. Fowell, W. Pearson, Rev. A. C.  
Arrakiel, M. Hart, E. H. Riddall, W.  
Barnett, L. Hart, H. Secy. to Agricultural  
Beraut, H. Commander Hobson, E. A. Show  
Charter, Mrs. C. Joubert, C. H. Smith, W.  
Charter, C. Landale, T. Thomas, Major C. F.  
Charters, Mrs. W. McLaugh. Todd, Miss  
DeMount, F. Nicholls, J. Wardsley, Mrs.  
Doyle, A. C. Owen, M. S.

E. HUTTON,

Presidency Postmaster, Calcutta.

**The 15th May 1886.  
SEA AND FOREIGN MAILS.**

Mails for	Date of closing at Calcutta.	Route by which despatched.
1886		
Egypt, Europe, America, Cape Colonies through United Kingdom	18th May	Per P. & O. Str from Bombay.
Ditto ditto ditto	22nd "	Ditto.
Ditto Book Post and Pattern Packets	17th "	Ditto.
Ditto ditto ditto	21st "	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	18th "	Ditto.
Ditto ditto ditto	22nd "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	15th "	Ditto.
Australia, New Zealand and Tasmania	25th "	Ditto.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th "	Per French Str.
Straits and Hong-Kong	17th "	Per Str. Tak-sang
Rangoon and Moulemein	19th "	Per Str. Patna.
Akyah, Kyauk Phyno, and Rangoon	19th "	Per Str. Mah-ratta

N.B.—The letter-box will close at 7 P.M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,

Presidency Post Master.

**GOVERNMENT CINCHONA  
FEBRIFUGE.**

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs 5-8*; per eight-ounce tin, *Rs 10-8*; per pound tin, *Rs 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سنکونا فبري فيوج**

یہ دوا کوئیفاٹین کا خوب قائم مقام ہے اور کلکتہ کے ہوائی گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک مقام سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے ان کے جو کوئی ایک مشہد ہوس پوند خرید لینے سے بقیہ نقد حسب

نرخ فیکل خریدہ کوسکتے ہیں یعنی نرخ چار اونس کے ٹین کا چار روپیہ آٹھ آنے؛ آٹھ اونس کے ٹین کا آٹھ روپیہ آٹھ آنے؛ ایک پوند کے ٹین کا سولہ روپیہ آٹھ آنے

اور عوام الناس ہوائی گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ فیکل خریدہ کوسکتے ہیں یعنی نرخ چار اونس کے ٹین کا پانچ روپیہ آٹھ آنے؛ آٹھ اونس کے ٹین کا دس روپیہ آٹھ آنے؛ ایک پوند کے ٹین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دوا خانوں میں بکتی ہے مسوائے قیمت منکروہ بالا کے معقول داک چار اور آٹھ اونس کے ٹین کا آٹھ آنے؛ اور ایک پوند کے ٹین کا بارہ آنے

**CRYSTALLINE CINCHONA  
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A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, *for cash only*, at the following rates: per four-ounce tin, *Rs 6-8*; per eight-ounce tin, *Rs 12-8*; per pound tin, *Rs 24*. The general public can be supplied by the Superintendent, Royal Botanic Garden, *for cash only*, at the under-noted rates: per four-ounce tin, *Rs 8-8*; per eight-ounce tin, *Rs 16-8*; per pound tin, *Rs 32*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

**کرسٹلین سنکونا دوائی بخار**

لال سنکونا باری کی ایک نئی اور عمدہ دوا گورنمنٹ فیکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی بخار سے کوئین کے لئے بہت خوب قائم مقام ہے اور سب پر منسل کلکتہ کے ہوائی گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک مقام سرکاری کام اور خیرات کے لئے اور وہ لوگ جو ایک مشہد بیس پوند لین بعد اس بہار سے خرید سکتے ہیں یعنی چار اونس کے ٹین کا چھ روپیہ آٹھ آنے؛ آٹھ اونس کے ٹین کا بارہ روپیہ آٹھ آنے؛ اور ایک پوند کے ٹین کا چوبیس روپیہ

اور عام لوگوں کو ہوائی گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بہار پر مل سکتا ہے یعنی چار اونس کے ٹین کا آٹھ روپیہ آٹھ آنے؛ آٹھ اونس کے ٹین کا سولہ روپیہ آٹھ آنے اور ایک پوند کے ٹین کا بیس روپیہ آٹھ آنے اور وہ لوگ جو ایک پوند لین بعد اس بہار سے خرید سکتے ہیں یعنی چار اونس کے ٹین کا چھ روپیہ آٹھ آنے؛ آٹھ اونس کے ٹین کا بارہ روپیہ آٹھ آنے؛ اور ایک پوند کے ٹین کا بیس روپیہ آٹھ آنے

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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, MAY 15, 1886

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation Maubin, Thonegwa District, died intestate on the 5th January 1885. Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,

*District Judge, Thonegwa.*

### PROMISSORY NOTES.

#### Stolen.

The upper half of the Government Promissory Note, No 174407, of the 4 per cent loan of 1st May 1865, for Rs 500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr Rajagopala Chary to V. Thavasumithu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Tirandram. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMITHU NADAR,

*Abkary Contractor, residing at Perayal,  
near Trangan.*

QUILON.

*The 25th October 1885.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 21. }

SIMLA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Munny Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Indian Bankruptcy Bill, 1886.

**SUPPLEMENT No. 21.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 21st May, 1886.*

**No. 9.**—His Excellency the Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., Cap. 67, Section 10, has been pleased to nominate Rana Shankar Bakhsh Singh Bahadur, C.I.E., Talukdar of Khajurgaon, Rae Bareilly District, Oudh, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 18th May, 1886.*

**No. 161.**—*Appointment.*—Lieutenant P. R. T. Gurdon, B.S.C., to be a Supernumerary Assistant Commissioner of the 3rd Grade in Assam.

*The 19th May, 1886.*

**No. 164.**—*Appointment.*—Mr. C. G. Bayne, C.S., Assistant Commissioner of the 4th Grade in British Burma, is appointed Junior Secretary to the Chief Commissioner, with effect from the 2nd March, 1886.

#### ARCHÆOLOGY.

*The 18th May, 1886.*

**No. 171.**—The services of Mr. J. F. Fleet, C.S., C.I.E., Epigraphist to the Government of India, are replaced at the disposal of the Government of Bombay, with effect from the 1st June, 1886.

#### PATENTS.

*The 15th May, 1886.*

**No. 569.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a

fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 130 of 1885.—Mark Amos, Engineer, of Westbury-on-Trym, in the County of Gloucester, Kingdom of Great Britain and Ireland, for improvements in apparatus for cramping or compressing, applicable also for other purposes.

No. 137 of 1885.—Andrew Charles Guy Thompson, Engineer, "Windsor" Tea Estate, Darjeeling, at present residing at "Kobira" Tea Estate, Mungeldve, Assam, for reducing tea and other analogous substances into kinds or qualities.

No. 14 of 1886.—John Elliott, of No. 31, Vernon Road, Leeds, Yorkshire, in the Kingdom of England, Railway Agent, for Railway keys.

No. 33 of 1886.—Johannes Spiel, of Berlin, in the Empire of Germany, Engineer, for improvements in petroleum and gas engines.

No. 43 of 1886.—William Belby Avery, of 123, Digbeth, Birmingham, in the County of Warwick (England), Machine maker, for improvements in beam scales.

No. 53 of 1886.—The Acme Manufacturing Company of Wilmington in the County of New Hanover, and State of North Carolina, United States of America, a Corporation chartered by the legislature of the State of North Carolina, United States of America, Manufacturers, for Fibre rubbing machine.

No. 71 of 1886.—Paul Onolle, of Nantes, France, Engineer, for improvements in, and in apparatus for, distilling water.

#### FORESTS.

*The 20th May, 1886.*

No. 416 F.—Mr. A. Watson, officiating Assistant Conservator of Forests of the 3rd Grade, in the Central Provinces, is appointed substantively *pro tempore* to be an Assistant Conservator of the 3rd Grade, with effect from the 14th January, 1886.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

### REVENUE AND AGRICULTURAL DEPARTMENT.

#### NOTIFICATION.—SURVEYS.

*Simla, the 21st May, 1886.*

No. 449-83 S.—Consequent on the departure on furlough of Mr. F. R. Mallet, Superintendent of the Geological Survey of India, the following officiating appointments are made, with effect from the 5th instant.—

Mr. T. W. Hughes, Deputy Superintendent, 1st Grade, to officiate as Superintendent.

Mr. C. A. Hacket, Deputy Superintendent, 2nd Grade, to officiate in the 1st Grade, *vice* Mr. Hughes.

Mr. E. J. Jones, Assistant Superintendent, 3rd Grade, to officiate as Deputy Superintendent,

2nd Grade, *vice* Mr. Hacket. Mr. Jones will also act as Curator of the Museum, *vice* Mr. Mallet.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

### FOREIGN DEPARTMENT.

#### NOTIFICATIONS.—GENERAL.

*Simla, the 19th May, 1886.*

No. 1035 G.—Surgeon-Major A. Deane, M.D. F.R.C.S., L., Civil Surgeon of Benares, is appointed to be Residency Surgeon in Kashmir, with effect from date of joining.

No. 1039 G.—Lieutenant J. A. Bell, Adjutant of the Deoli Irregular Force, is appointed to officiate temporarily as Wing Commander and 2nd-in-Command, Merwara Battalion, with effect from date of joining, during the absence on furlough of Major P. W. Smith, or until further orders.

Lieutenant G. G. J. S. Jones, attached to the Deoli Irregular Force, is appointed to officiate temporarily as Wing Officer and Adjutant, *vice* Lieutenant J. A. Bell.

No. 1042 G.—Surgeon P. Mullane, Medical Officer, 10th Regiment, Bengal Native Infantry, is appointed to the medical charge of the Bundelkhand Political Agency, in addition to his other duties, with effect from the 26th April, 1886, *vice* Surgeon-Major D. P. Macdonald, M.D., 11th (P. W.'s O.) Bengal Lancers, resigned.

#### EXTERNAL.

No. 922 E.—Colonel H. C. B. Tanner, Deputy Superintendent, Survey of India Department, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment in the Survey Department.

No. 923 E.—Mr. R. D. Oldham, Deputy Superintendent, Geological Survey of India Department, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment in the Geological Survey Department.

*The 20th May, 1886.*

No. 942 E.—Mr. J. H. Bernard, C.S., Assistant Magistrate and Collector, Bengal, is appointed temporarily to be Personal Assistant to the Chief Commissioner of Burma, with effect from the date of assuming charge.

No. 945 E.—Mr. H. St. G. Tucker, C.S., Deputy Commissioner of the 3rd Grade in the Punjab, is appointed to special duty in Upper Burma, with effect from date of joining.

No. 949 E.—Surgeon-Major D. D. Cunningham, M.B., Professor of Physiology, Medical College, Calcutta, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment under the Government of Bengal.

H. M. DURAND,

*Secretary to the Government of India.*

# DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

### ACCOUNTS AND FINANCE.

*Simla, the 20th May, 1886.*

**No. 900.**—In continuation of Notification No. 1470 of 26th March, 1886, His Excellency the Governor-General in Council is pleased to declare that sub-section (1) of Section 7 of the Indian Securities Act, 1886, applies to the following public Office:—

Office of Managers of State Railways.

## LEAVE AND APPOINTMENTS.

*The 20th May, 1886.*

**No. 884.**—Mr. H. F. Clogstoun, Accountant-General and Commissioner of Paper Currency, Madras, having been granted privilege leave for one month and twenty-seven days, and the following appointments having been made during his absence,—

(1) Mr. W. Donald to officiate as Accountant-General and Commissioner of Paper Currency, Madras, and

(2) Mr. H. S. Groves to officiate as Deputy Accountant-General, Madras,

Mr. Clogstoun made over and Mr. Donald received charge of the duties of Accountant-General and Commissioner of Paper Currency, Madras, and Mr. Groves received charge of the office of Deputy Accountant-General, Madras, after noon on Saturday, the 8th May, 1886.

## CODES.

*The 21st May, 1886.*

**No. 921.**

### CIVIL LEAVE CODE.

PAGE 211.

*Section 161 (b).*

*For Rule 1 under this Section, substitute the following:—*

1. Payment is made at the Home Treasury as follows:

In respect of Civil Officers, on or after January 1st, April 1st, July 1st, and October 1st, for the quarters ending respectively on December 31st, March 31st, June 30th, and September 30th; and in respect of Military Officers, on or after February 1st, May 1st, August 1st, and November 1st, for the quarters ending respectively on January 31st, April 30th, July 31st, and October 31st—

To the Officer, on his personal application;

or

To his Banker or other Agent, duly authorised under Power of Attorney, on production of a Life Certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the Banker having guaranteed the Secretary of State against loss consequent on his dispensing with the production of such proof);

or

on presentation of a draft duly filled up and signed by the Officer, in a form which, with the requisite form of Life Certificate attached, may be obtained from the India Office, London, on the Officer's written application.

## PAPER CURRENCY.

*The 18th May, 1886.*

**No. 914.**—Abstract of the Accounts of the Department of Issue of Paper Currency on the 30th April, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,77,11,225	84,73,228	71,00,683	1,56,33,911
Allahabad	67,81,200	57,71,345	...	27,72,335
Lahore	83,09,085	4,01,585	...	49,92,585
Bombay	3,00,17,225	2,33,31,71	61,04,398	3,94,97,509
Kurrachee	60,50,515	57,43,700	25,100	57,68,600
Madras	1,50,80,070	1,58,13,130	3,70,000	1,61,03,130
Calcult	17,33,500	1,00,000	...	1,00,000
Rangoon	12,01,250	10,00,055	...	10,00,055
Total	13,77,94,000	6,44,38,819	1,36,00,181	7,80,99,000
Deduct the amount received at Calcutta but not paid at Kurrachee.				3,00,000
Net Total				7,77,99,000
Price paid for Government Securities of the nominal value of Rs. 6,23,21,700 held under Section 19 of the Act				5,00,05,000
GRAND TOTAL				13,77,94,000

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 21st May, 1886.*

### APPOINTMENTS.

#### DIVISIONAL STAFF.

**No. 322.**—Brigadier-General P. A. Carnegie, Madras S. C., to command the Hyderabad Subsidiary Force, temporarily, *vice* Major-General W. A. Gib, C.B., on furlough. Dated 6th May, 1886.

**No. 323.**—Brigadier-General T. E. Gordon, C.B., C.S.I., Honorary Aide-de-Camp to the Viceroy, to the Divisional Staff of the Army, temporarily, *vice* Major-General Sir C. J. S. Gough, K.C.B., V.C., on furlough. Dated 13th May, 1886.

#### BRIGADE STAFF.

**No. 324.**—Colonel F. B. Norman, C.B., Bengal S. C., to the Brigade Staff of the Army, temporarily, with the rank of Brigadier-General, *vice* Brigadier-General T. E. Gordon, C.B., C.S.I. Dated 12th May, 1886.

**No. 325.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—**

Major A. K. Macpherson, Bengal S. C., Cantonment Magistrate, Umballa, to officiate as Deputy Judge Advocate, *vice* Colonel C. R. Mathews, Deputy Judge Advocate, officiating as Deputy Judge Advocate-General. Dated 13th May, 1886.

**No. 326.—ORDNANCE DEPARTMENT—**

Major A. F. Fletcher, R.A., Commissary of Ordnance, 2nd class, and Assistant to the Inspector-General of Ordnance, Bombay Circle, to be Commissary of Ordnance, 1st class, *vice* Colonel C. Cowie, R.A., Commissary of Ordnance, 1st class, appointed Deputy Inspector-General of Ordnance, Bengal Circle. Dated 6th April, 1886.

Lieutenant-Colonel F. J. Mortimer, R.A., to be Commissary of Ordnance, 1st class, *vice* Major Fletcher, seconded. Dated 6th April, 1886.

**No. 327.—PUNJAB FRONTIER FORCE—**

*No. 3 (Peshawur) Mountain Battery.*

Lieutenant P. W. D. Brockman, R.A., to be 3rd Subaltern, *vice* Lieutenant F. A. L. Powell, appointed to the Ordnance Department. Dated 3rd April, 1886.

**No. 328.—STAFF CORPS—**

Lieutenant John Alfred Hudson Woodward, Border Regiment, Wing Officer, 38th Bengal Infantry, is admitted to the Bengal Staff Corps from the 18th December, 1884, subject to the confirmation of the Secretary of State for India.

**VOLUNTEER CORPS.**

*Dehra Dun Mounted Rifles.*

**No. 329.**—Mr James Macpherson, C.S., to be Captain-Commandant, *vice* Captain F. Baker, who vacates the appointment on transfer.

*Calcutta Volunteer Rifle Corps.*

**No. 330.**—Dr. William Coulter, M.D., to be Surgeon, to complete the establishment.

*East Indian Railway Volunteer Rifle Corps.*

**No. 331.**—Mr. Lawrence Porter to be Lieutenant, *vice* Lieutenant G. Watts, deceased.

Mr. John Thomson Hornett to be Lieutenant, *vice* Lieutenant J. Higby, who has resigned that appointment.

*Cawnpore Volunteer Rifle Corps.*

**No. 332.**—Mr. Arthur Stanley Betts Chapman to be Lieutenant, *vice* Lieutenant S. M. Johnson, who has resigned that appointment.

**FURLOUGH AND LEAVE.**

**No. 333.**—Captain F. D. Welchman, Bengal S. C., Wing Commander and 2nd-in-Command, 4th Infantry, Hyderabad Contingent, is granted leave within Indian limits, (m. c.) for 182 days, under rule X of the regulations of 1875.

G. G. O. No. 62 of 1886 is cancelled.

**No. 334.**—Captain C. P. Triscott, R.A., Commissary of Ordnance, 3rd class, is granted general leave from the 3rd May to the 2nd August, 1886.

**No. 335.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel O. Barnes, Bengal S.C., (m. c.) for four months.

Major C. E. Hallett, Bengal S.C., (m. c.) for six months.

Major F. S. Carr, General List, Infantry, (m. c.) for four months.

**No. 336.**—Sub-Conductor C. Wiltshire, Commissariat Department, was on leave from 6th September, 1885, to 6th December, 1885, under rule X of the regulations of 1875.

**LONDON GAZETTE.**

**No. 337.**—The following extracts are published for general information:—

*"London Gazette," dated the 20th April, 1886, page 1900.*

"WAR OFFICE ;

*Pall Mall, 20th April, 1886.*

**MEMORANDA.**

\* \* \*

The undermentioned Lieutenant-Colonels to be Colonels:—

Elborough Martin Woodcock, Bombay Staff Corps. Dated 4th February, 1886.

Richard Samuel Roberts, Madras Staff Corps. Dated 20th February, 1886.

\* \* \*

\* \* \*

Assistant Commissary and Honorary Lieutenant Patrick Leahy, retired, Bengal Establishment, to have the honorary rank of Captain. Dated 11th May, 1885.

**PROMOTIONS.**

**No. 338.**—The following promotion is made, subject to Her Majesty's approval:—

*To be Colonel in the Army.*

Lieutenant-Colonel Edward Temple, Bengal S. C.,—15th May, 1886.

**No. 339.—MISCELLANEOUS LIST—**

The promotion of Conductor Cary Clavering and Sub-Conductor Robert Wilson (since remanded to regimental duty) is antedated to the 1st May, 1885, consequent on the transfer of Conductor R. Burton to the establishment of the Public Works Department.

Sub-Conductor John Sheehan to be Conductor, and Sergeant Thomas Richard Mundy to be Sub-Conductor, with effect from the 20th September, 1885, *vice* Conductor J. Moorhead, promoted.

Sergeant Douglas McIntosh to be Sub-Conductor, with effect from the 16th March, 1886, *vice* Sub-Conductor R. Wilson, remanded to regimental duty.

Sergeant Gustavus Sheridan Newbold to be Sub-Conductor, with effect from the 15th April, 1886, *vice* Sub-Conductor W. Anderson, remanded to regimental duty.

**No. 340.—NATIVE ARMY—***5th Bengal Cavalry.*

Kot-Duffadar Mukhram Singh to be Jemadar, on augmentation, with effect from the 15th April, 1886.

*17th Bengal Cavalry.*

Ressaidar Bhaic Khan to be Ressaidar;  
Jemadar Sar Buland Khan to be Ressaidar;  
Jemadar Saadat Khan to be Ressaidar Woordie-Major;

Kot-Duffadar Kazi Latif to be Jemadar,—  
with effect from the 1st March, 1886, to complete establishment.

*18th Bengal Cavalry.*

Ressaidar Mahbub Ali to be Ressaidar, *vice* Ressaidar Jaggat Singh, Sirdar Bahadur, transferred to the 16th Bengal Cavalry;

Jemadar Jalal Khan to be Ressaidar Woordie-Major, *vice* Woordie-Major Nur Khan, who returns to duty as Ressaidar;

Kot-Duffadar Shah Walli Khan to be Jemadar, *vice* Jemadar Jalal Khan, promoted,—  
with effect from the 24th October, 1885.

*10th Bengal Infantry.*

Jemadar Nagina to be Subadar, *vice* Subadar Ramsoobhoge Singh, invalided, with effect from the 19th April, 1886.

**No. 341.—PUNJAB FRONTIER FORCE—***4th Sikh Infantry.*

Havildar Amir Ali to be Jemadar, *vice* Jemadar Shaik Mahomed Baksh, invalided;

Havildar Harnam Singh to be Jemadar, *vice* Jemadar Panjaba, invalided;  
Havildar Fazl Khan to be Jemadar, *vice* Jemadar Jowahir Singh, invalided,—  
with effect from the 1st May, 1886.

*5th Goorkha Regiment.*

Jemadar Karm Singh Negi to be Subadar,  
Havildar Him Lal Nagarkoti to be Jemadar, *vice* Subadar Durgadat Jaisi, invalided, with effect from the 13th April, 1886.

**RESIGNATIONS.**

**No. 342.**—Surgeon Robert James Taaffe, M.B., is permitted to resign the service, with effect from the 18th May, 1886, subject to Her Majesty's approval.

**No. 343.**—Sub-Assistant Apothecary Favor Hancobe, Subordinate Medical Department, is permitted to resign the service.

**RETIREMENTS.****No. 344.—VOLUNTEER CORPS—***2nd Punjab (Simla) Volunteer Rifle Corps.*

Lieutenant B. E. French is permitted to retain his rank and wear the uniform of his corps on retirement.

O. R. NEWMARCH, *Colonel,*  
*Offg. Secretary to the Government of India.*

**MILITARY DEPARTMENT.****NOTIFICATION.**

*Simla, the 21st May, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 15th and the 21st May, 1886:

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Devonshire Regiment ...	Honorary-Captain and Paymaster J. L. J. Gordon.	7th May, 1886	Naini Tal ...	...	
Norfolk Regiment ...	Lieutenant E. A. Haddock ...	10th May, 1886	Sitapur ...	...	

O. R. NEWMARCH, *Colonel,*  
*Offg. Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.****NOTIFICATIONS.**

*Simla, the 15th May, 1886.*

**No. 132.**—Mr. T. G. Moreton, Sub-Engineer, 3rd Grade, and Honorary Assistant Engineer, State Railways, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma.

*The 18th May, 1886.*

**No. 133.**—In continuation of Public Works Department Notification No. 91, dated 26th March, 1886, the following sanction by the Right Hon'ble the Secretary of State to a project to be constructed from funds not provided from Revenue, is published for general information :

	SANCTION BY SECRETARY OF STATE.		SANCTION AS, SUBSEQUENTLY REVISED BY GOVERNMENT OF INDIA.		DESPATCH OF SECRETARY OF STATE CONVEYING SANCTION TO CLASSIFICATION OF WORK AS PRODUCTIVE, PUBLIC WORKS.		Remarks.
	Direct outlay.	Indirect charges.	Direct outlay.	Indirect charges.	No.	Date.	
	Rs.	Rs.	Rs.	Rs.			
MADRAS. Periyar Project ...	61,85,000	2,54,913	...	...	53 P. W.	18th September, 1884.	

*The 20th May, 1886.*

**No. 135.**—Mr. W. B. Carter, Executive Engineer, 1st Grade, State Railways, is permitted to retire from the service under Sections 106 and 113 (a) of the Civil Pension Code.

**No. 136.**—Mr. G. A. Anderson, Executive Engineer, 4th Grade, State Railways, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

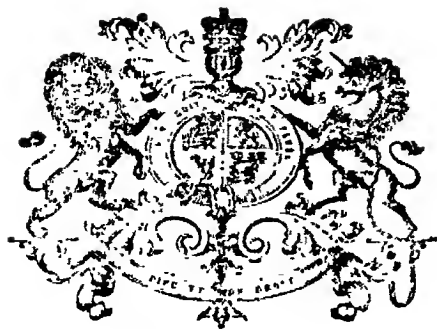
TELEGRAPH.

*The 19th May, 1886.*

**No. 134.**—In continuation of Public Works Department Notification No. 127, dated 12th May, 1886, Mr. A. B. Larkins, Assistant Superintendent, 1st Grade, and officiating Superintendent, 4th Grade, is permanently promoted to Superintendent, 5th Grade, with effect from the 17th March, 1886.

This cancels that portion of the Notification above quoted which relates to Mr. Larkins.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

### THE INDIAN BANKRUPTCY BILL, 1886.

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## THE FIRST SCHEDULE.—MEETINGS OF CREDITORS.

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*A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

*Preliminary.*

Short title, extent and commencement.

- 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

## PART I.

## PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

*Acts of Bankruptcy.*

- 2. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- (d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)*

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immovable, to be attached or taken in execution;

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

*Receiving Order.*

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

Jurisdiction to make receiving order.

4. (1) The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits;

Provided as follows:—

(i) in any case where an application for declaring a debtor insolvent has been made under section 311 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code;

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses (a) and (b) of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso (i) to sub-section (1) shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

[11 & 12 Vic.  
c. 21, s. 9.]

[L. R. 13  
Q. B. D. C. A.  
471, and  
Law Journal,  
September  
21st, 1885.]

[46 & 47 Vic.  
c. 52, s. 5.]

[16 & 47 Vic.  
c. 52, s. 6 (1),  
clause (d).]

XIV of 1882

XIV of 1882.

[11 & 12 Vic.  
c. 21, ss. 8 & 9.  
46 & 47 Vic.  
c. 52, s. 6.]

[11 & 12 Vic.  
c. 21, s. 10.]

46 & 47 Vic.  
c. 52, s. 7.

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-14.)*

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentation, be withdrawn without the leave of the Court.

7. (1) A debtor's petition shall allege that the Debtor's petition and debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentation, be withdrawn without the leave of the Court.

8. (1) On the making of a receiving order Effect of receiving the official assignee shall be order. thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

9. (1) The Court may, if it is shown to be necessary for the protection of Discretionary powers as to appointment of interim receiver and stay of proceedings. the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

10. Where the Court makes an order staying any Service of order staying suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

11. (1) If in any case the official assignee, Power to appoint special manager. having regard to the nature of the debtor's estate or business or to the interests of the

creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner. 16 & 47 Vic., c. 52, s. 13.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankruptcy or Insolvency Laws or some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit. 16 & 47 Vic., c. 52, s. 14.

*Proceedings consequent on Order.*

14. (1) When a receiving order is made against a debtor, he shall prepare a statement of his affairs, and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and show to the public officers of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require. 11 & 12 Vic., c. 21, ss. 6 & 12; 16 & 47 Vic., c. 52, s. 16.

(2) The statement shall be so submitted within the following time, namely:—

- (i) if the order is made on the petition of the debtor, within seven days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 15-18.)*

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section (1) or sub-section (3) at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[Now, cf. 46 & 47 Vic., c. 62, s. 16.]

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

*Public Examination of Debtor.*

[46 & 47 Vic., c. 62, s. 17.]

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereof, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

*Composition or Scheme of Arrangement.*

[Now, cf. 46 & 47 Vic., c. 62, s. 18.]

17. (1) Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee

shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section (1), by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section (1), requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

18. (1) The composition or scheme proposed by the debtor shall not be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court

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*(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 19-22.)*

may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debt or an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding subsection.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

**19.** Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the

debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

**20.** (1) At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice. [Bankruptcy Rules, 1886, para. 155.]

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt. [46 & 47 Vic., c. 52, s. 20.]

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee. [11 & 12 Vic., c. 21, s. 7 & 11.]

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication. [11 & 12 Vic., c. 21, s. 35.]

**21.** (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication. [46 & 47 Vic., c. 52, s. 23.]

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

**22.** (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require. [46 & 47 Vic., c. 52, s. 24.]

*Duties of debtor as to discovery and realization of property.*

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)*

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait, at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds amongst his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorized by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

25 (1) The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

*Discharge of Bankrupt.*

26. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

23. (1) The Court may, by warrant addressed to any police-officer or prison-officer, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or obstructing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings, which may be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

46 & 47 Vic.,  
c. 52, s. 25.]

46 & 47 Vic.

c. 52, s. 26.

46 & 47 Vic.

c. 52, s. 27.

11 & 12

Vic., c. 21,

47 & 59-61.

46 & 47 Vic.

c. 52, s. 28.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-23.)*

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his afterwards-acquired property:

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

- (a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;
- (e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may

also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts. [11 & 12 Vic. c. 21, ss. 81 & 86.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation. [11 & 12 Vic. c. 21, s. 58.]

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

27. In either of the following cases, that is to say:— [16 & 17 Vic. c. 52, s. 29.]

- (1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or
- (2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

28. (1) An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be charged, able at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom. [11 & 12 Vic. c. 21, ss. 48 & 62. 16 & 17 Vic. c. 52, s. 30.]

*The Indian Bankruptcy Bill, 1885.**(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of Property.—Sections 29-32.)*

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic. c. 21, s. 59 & 60.] (5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt, or was jointly bound or had made any joint contract with him, or any person who was surety, or in the nature of a surety for him.

## PART II.

## DISQUALIFICATIONS OF BANKRUPT.

[16 & 17 Vic. c. 52, s. 32 & 34.] 29. (1) Where a debtor is adjudged bankrupt, he shall, subject to the provisions of this section, be disqualified for—

- (a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861;
- (b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;
- (c) being appointed or acting as a member of any local authority.

[1 & 25 Vic. c. 67.]

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

- (a) the adjudication of bankruptcy against him is annulled; or
- (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

## PART III.

## ADMINISTRATION OF PROPERTY.

*Proof of Debts.*

[1 & 12 Vic. c. 21, s. 41 & 47 Vic. c. 52, s. 37.] 30 (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability

contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

[11 & 12 Vic. c. 21, s. 39. & 46 & 17 Vic. c. 52, s. 38.]

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and valuation of

Rules as to proof of debts.

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

**33. (1)** In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *per passum*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

**34. (1)** Where at the time of the presentation of a petition for the bankruptcy of any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of the apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

**35. (1)** The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

**36.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

**37.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing apparel, bedding and other such necessities of himself, his wife and children, to a value, exclusive of tools and apparel and the other things above said, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

(3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic.,  
c. 21, s. 23.]

(b) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

Cf. Act XIV  
of 1882, s.  
95.  
6 & 47 Vic.,  
c. 52, s. 45.]

38. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

46 & 47 Vic.,  
c. 52, s. 46.]

39. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

11 & 17 Vic.,  
c. 52, s. 47.]

40. (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property had passed to the trustee of the settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or

property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

41. (1) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

Avoidance of preferences in certain cases.

[11 & 12 Vic.  
c. 21, s. 21.  
46 & 47 Vic.  
c. 52, s. 48.]

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

42. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors,
- (b) any payment or delivery to the bankrupt,
- (c) any conveyance or assignment by the bankrupt for valuable consideration, or
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realisation of Property*

43. (1) The official assignee shall, as soon as he may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by assignee.

[11 & 12 Vic.  
c. 21, s. 21.  
46 & 47 Vic.  
c. 52, s. 50.]

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

44. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it think fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

45. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 208 of that Code, direct.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it think just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

46. The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

47. (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily salable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon those terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon those terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

48. (1) Subject to the provisions of this Act, the official assignee may do all or any of the following things:—

- (a) sell any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;
- (b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;
- (c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;
- (d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;
- (e) deal with any property to which the bankrupt is beneficially entitled as tenant

in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause (c) of sub-section (1) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

49. The official assignee may, subject to any general or special orders of the Court, do all or any of the following things:—

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a legal practitioner or other agent to take any proceedings or do any business;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

*Distribution of Property.*

50. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 51-58.)

Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

**51.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

**52.** In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**53.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**54.** When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly

protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**55.** No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application. [11 & 12 Vic. c. 21, s. 45.  
46 & 47 Vic. c. 52, s. 63.]

**56.** (1) The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct. [46 & 47 Vic. c. 52, s. 64.]

(2) The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made. [11 & 12 Vic. c. 21, s. 47.]

**57.** The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition. [46 & 47 Vic. c. 52, s. 65.]

## PART IV.

### OFFICIAL ASSIGNEES.

#### *Appointment and Removal.*

**58.** (1) The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such persons as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct. [11 & 12 Vic. c. 21, s. 14.  
46 & 47 Vic. c. 52, s. 66 (1)]

(2) The Local Government may in like manner appoint such persons as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections (1) and (2), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, with all further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

*Duties.*

6 & 17 Vic.,  
52, s. 68.]

**59.** (1) The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

3 & 47 Vic.,  
52, s. 69.]

**60.** As regards the debtor, it shall be the duty of the official assignee—  
Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

6 & 17 Vic.,  
52, s. 70.]

**61.** (1) As regards the estate of a debtor it shall be the duty of the official assignee—  
Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 563 of the Code of Civil Procedure as may be prescribed.

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs.

*Remuneration.*

**62.** (1) The remuneration to be paid to the official assignee shall be fixed by general rules.  
Remuneration of official assignee.

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditor, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section (1) shall be received by an official assignee as such.

*Costs.*

**63.** (1) No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.  
Allowance and taxation of costs.

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

*Receipts, Payments, Accounts and Audit.*

**64.** (1) Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe.  
Bankruptcy Estates Account and Bankruptcy Dividends Account.

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed.

(3) The said accounts shall be opened as soon as may be after the passing of this Act.

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

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of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

65. An official assignee shall not pay any sums received by him as official assignee into his private banking account.

66. (1) Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

(2) When the Court has made an order under sub-section (1), it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

67. (1) Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Gov-

ernor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

68. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors. [46 & 47 Vic., c. 52, s. 79.]

69. The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books. [46 & 47 Vic., c. 52, s. 80.]

70. (1) Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form. [46 & 47 Vic., c. 52, s. 81.]

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

#### Release.

71. (1) When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly. [46 & 47 Vic., c. 52, s. 82.]

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

*Official Name.*

[46 & 47 Vic., c. 52, s. 83.] **72.** The official assignee may sue and be sued by the name of "the official assignee of the property of a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Vacation of Office on Insolvency.*

[46 & 47 Vic., c. 52, s. 85.] **73.** If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

*Control.*

[46 & 47 Vic., c. 52, s. 89.] **74.** (1) Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.] **75.** If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic., c. 52, s. 91.] **76.** (1) In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is

engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

**77.** (1) If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

(3) At the meeting convened under sub-section (2) the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section (2), it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

(7) If either at the meeting summoned under sub-section (2) or at the further meeting summoned under sub-section (6) the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section (4), the official assignee shall be the assignee throughout the bankruptcy.

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

(9) Where the Court disapproves of the appointment of any one of more persons than one

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appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them. •

(10) Provided, with respect to sub-sections (6), (7), (8) and (9), that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

(11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

(12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

(13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

(16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

**78.** Where a special assignee has been appointed, the status of special pointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

- (a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section (3), section 26, sub-sections (2), (4) and (6), sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;
- (b) the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;
- (c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the

bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

- (d) the special assignee shall not, without the [46 & 47 Vic., c. 52, s. 84.] Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section (1) of section 56, or make any allowance to the bankrupt under sub-section (2) of that section;
- (e) the remuneration, if any, of the special [46 & 47 Vic., c. 52, s. 72.] assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;
- (f) the special assignee shall not, under any [46 & 47 Vic., c. 52, s. 72.] circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;
- (g) when no remuneration has been voted to [46 & 47 Vic., c. 52, s. 72.] the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;
- (h) the special assignee shall supply the official [46 & 47 Vic., c. 52, s. 68.] assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;
- (i) where the special assignee has not previously resigned or vacated or been removed [46 & 47 Vic., c. 52, s. 82.] from his office, his release under section 71 shall operate as a removal of him from his office;
- (j) the vote of the special assignee, or of his [46 & 47 Vic., c. 52, s. 68.] partner, clerk, legal practitioner or legal practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

*The Indian Bankruptcy Bill, 1886.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)*

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT.

*Jurisdiction.*

[46 & 47 Vic., c. 52, s. 92.] **79. (1)** The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

- (a) the High Courts of Judicature at Fort William, Madras and Bombay;
- (b) the Court of the Recorder of Rangoon; and
- (c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

**80.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section (1), be the following, namely:—

- (a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;
- (b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Madamein, Akyab and Bassein;
- (c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

11 & 12 Vic., c. 21, s. 3.  
[46 & 47 Vic., c. 52, s. 94(2).]

**81.** All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

46 & 47 Vic., c. 52, s. 97(2).]

**82.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

46 & 47 Vic., c. 52, s. 97, (3).]

**83.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

**84.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction. [46 & 47 Vic., c. 52, s. 98.]

**85. (1)** Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court. [46 & 47 Vic., c. 52, s. 99.]

(2) The powers referred to in sub-section (1) are the following, namely:—

- (a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;
- (b) to hold the public examination of debtors;
- (c) to grant orders of discharge;
- (d) to approve compositions or schemes of arrangement;
- (e) to make interim orders in any case of urgency;
- (f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;
- (g) to hear and determine any unopposed or *ex parte* application;
- (h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

**86.** The Court of the Recorder of Rangoon, and any Court appointed by a Local Government under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed. [46 & 47 Vic., c. 52, s. 100.]

**87. (1)** Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case. [46 & 47 Vic., c. 52, s. 101.]

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

*The Indian Bankruptcy Bill, 1886.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 83-95.)*

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

*Appeals.*

47 Vic., s. 104.] 88. (1) Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause (b) of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

89. (1) Subject to the provisions of this Act [46 & 47 Vic. and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court. Discretionary powers of the Court. c. 52, s. 106.]

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *vis à vis* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

90. Where two or more bankruptcy petitions [46 & 47 Vic. are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit. Consolidation of petitions. c. 52, s. 106.]

91. Where the petitioner does not proceed with due diligence on his petition, [46 & 47 Vic. c. 52, s. 107.] the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the earnings of proceed- to the official assignee. Power to change carriage of proceedings.

92. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive. Continuance of proceedings on death of debtor. [46 & 47 Vic. c. 52, s. 108.]

93. The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just. Power to stay proceedings. [46 & 47 Vic. c. 52, s. 109.]

94. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others. Power to present petition against one partner. [46 & 47 Vic. c. 52, s. 110.]

95. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them. Power to dismiss petition against some respondents only. [46 & 47 Vic. c. 52, s. 111.]

*The Indian Bankruptcy Bill, 1886.**(Part VII. —Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.  
—Sections 96-102.)*[46 & 47 Vic.,  
c. 52, s. 112.]

**96.** Where a receiving order has been made on a bankruptcy petition against property of partners to be vested in same or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

[46 & 47 Vic.,  
c. 52, s. 113.]

**97.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vic.,  
c. 52, s. 114.]

**98.** Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the pender of the bankrupt.

[46 & 47 Vic.,  
c. 52, s. 115.]

**99.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

*Annulment of Adjudication.*[11 & 12 Vic.,  
c. 21, ss. 8 & 9,  
46 & 47 Vic.,  
c. 52, s. 35.]

**100.** (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

[1 & 12 Vic.,  
c. 21, ss. 7 & 8.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore

done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

## PART VII.

## SMALL BANKRUPTCIES.

**101.** When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;
- (b) no appeal shall lie from any order of the Court, except by order of the Court;
- (c) the estate shall, where practicable, be distributed in a single dividend;
- (d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

**102.** (1) "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

*The Indian Bankruptcy Bill, 1886.*  
(Part VIII.—*Fraudulent Debtors and Creditors.*—Sections 103-104.)

**103.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend two years, or with fine, or with both; that is say—

- (a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- (d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud;
- (e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses;

(m) if while undischarged he obtains credit to the extent of two hundred rupees, or upwards from any person without informing that person that he is an undischarged bankrupt: [46 & 47 Vic., c. 52, s. 31.]

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawn, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

**104.** If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent

Penalty for absconding with property.

[32 & 33 Vic., c. 62, s. 12.  
46 & 47 Vic., c. 52, s. 163.]

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic.,  
c. 62, s. 13.]

**105.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

(a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;

(b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic.,  
c. 62, s. 14.]

**106.** If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[32 & 33 Vic.,  
c. 62, s. 15.]

**107.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

[32 & 33 Vic.,  
c. 62, s. 16.  
46 & 47 Vic.,  
c. 52 s. 161.]

**108.** Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

[46 & 47 Vic.,  
c. 52, s. 167.]

**109.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX.

### SUPPLEMENTAL PROVISIONS.

#### *Application of Act.*

[46 & 47 Vic.,  
c. 52, s. 162.  
48 & 49 Vic.,  
c. 75, s. 1 (6).  
Act III of 1874, s. 8.]

**110.** A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

**111.** A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

**112 (1)** Any creditor of a deceased debtor in whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 113-119.)

payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

113. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees.*

114. The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

*Evidence.*

115. (1) A copy of the *Gazette of India*, or of the *Gazette of a Local Government*, containing any

or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

116. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

117. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

118. Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf; or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

119. In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act the

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4.] **120.** Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

[46 & 47 Vic., c. 52, s. 138.] **121.** A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

*Time.*

[46 & 47 Vic., c. 52, s. 141.] **122.** (1) Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **123.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **124.** (1) No proceeding in bankruptcy shall be invalid or rendered invalid by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

XVII of 1866. [46 & 47 Vic., c. 52, s. 147.] **125.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, Firms and Lunatics.*

**126.** For all or any of the purposes of this Act, [46 & 47 Vic., c. 52, s. 1] a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**127.** Whereby any enactment or instrument [46 & 47 Vic., c. 52, s. 1] reference is made to the 11 & 12 Vic., c. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**128.** The provisions of this Act relating to the [46 & 47 Vic., c. 52, s. 15] remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**129.** Nothing in this Act, or in any transfer of [11 & 12 Vic., c. 21, s. 46 & 47 Vic., c. 52, s. 15] jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

*Unclaimed Funds or Dividends.*

**130.** (1) Where an assignee under any bank- [46 & 47 Vic., c. 52, s. 162] ruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (An Act to consolidate and amend the Laws relating to Insolvent Debtors in India) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section (1) means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

of 131. Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

c. 12. 132. Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

133. (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably

among the creditors of the estate who have proved their debts or demands.

*Debtor's Books.*

134. (1) No person shall, as against the assignee, be entitled to with- [Bankruptcy Rules, 1885, para. 259.]  
Access to debtor's books. hold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee. [New.]

*Interpretation.*

Interpretation. 135. (1) In this Act, unless the context otherwise c. 52, s. 168.] requires,—

- (1) "province" means the territories under the administration of a Local Government:
- (2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:
- (3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:
- (4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:
- (5) "assignee" means an official assignee or special assignee:
- (6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:
- (7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:
- (8) "general rules" includes forms:
- (9) "Government treasury" includes a bank which conducts treasury business for the Government:
- (10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:
- (11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:
- (12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:
- (13) "prescribed" means prescribed by general rules within the meaning of this Act:
- (14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:
- (15) "schedule" means a schedule to this Act:

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Section 136.)  
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor :

(17) "sheriff" includes any officer charged with the execution of a writ or other process :

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

*Repeal.*

16 & 47 Vic., 52, s. 169.] **136.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act ; or

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed ; or

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed ; or

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make ; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs; or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting : Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value

**THE FIRST SCHEDULE.**

(See section 17.)

**MEETINGS OF CREDITORS.**

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every instrument therein shall be in the handwriting of the person issuing the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any special meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as official assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, in procuring the special assigneeship, except in the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless seven are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be

adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

### THE SECOND SCHEDULE.

(See section 32.)

#### PROOF OF DEBTS.

##### *Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

##### *Proof by Secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

[46 & 47 Vic.,  
c. 52, Sch. II.]

*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it: and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Taking Accounts of Property mortgaged and Sale thereof.*

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bank-

rupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

*Proof in respect of Distinct Contracts.*

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of

*The Indian Bankruptcy Bill, 1886.*  
(*The Third Schedule.—Enactments repealed.*)

the order as if the rent or payment grew due from day to day.

*Interest.*

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court

may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

*A.—Statute repealed.*

Year and chapter	Title.	Extent of repeal
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B.—Acts repealed.*

Number and year	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 60.

STATEMENT OF OBJECTS AND REASONS.

This matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassora; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.\* Speaking on the subject in 1875,† he re-

\* Legislative Proceedings, 1876, page 241.

† Legislative Proceedings, 1875, page 76 marked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the Legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money decrees. In his speech on the passing of this Act, Mr. Whitby Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion; and among the comments and criticisms which were passed upon it the doubts were not infrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *Local Governments* to be delayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious delinquency on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

- (1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and
- (2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1818, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modification and implications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulnain, Akyah and Bassein, and a power being taken to extend it to other commercial centres, such as Karachi.

13. The Bill accordingly (section 73) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulnain, Akyah and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftsman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immovable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (c) and (g), of the English Act. Those clauses therefore have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition ordinarily resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstances that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as *Pontfex, J.* held them, in the cases of *Tiering, Clucas & Co.* (L. B. L. R., App. 26) and *Howard Brothers* (L. B. L. R. 251), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an out-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkins*, L. B. L. R., O. C., 81, on the one hand, and *re Blackwell*, 9 Bo. H. C. Rep. 151, and *re Rocks*, 3 Mal. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure and deal with them under the Act. It has also been provided (section 4) that in any prescribed class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally confining its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code wherever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 61).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to rescind a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's estate would be more conveniently administered in some other part of British India or of Her Majesty's dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing mode of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 26 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 53 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gibboy v. Miller* (1 L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21:—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahājī Sir Jotendro Mohun Tagore and Bābū Doorga Churn Law the provisions of section 49 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (1) (c) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1851. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 49 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (a) money held by it on account of estates before declaration of dividend, and (b) declared dividend awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividend and held for creditors till their dividends are paid to them or, through their default, to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section (1), clause (c), of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (v) to section 1, sub-section (1).

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that

\* No unclaimed dividends of this class can arise under the proposed new Act (see section 51).

in the present proposed Act, section 51), for the declaration of dividends, only among creditors who "have proved their debts."

A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sheets were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

48. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the facilities of creditors to those books.

49. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Broughborough in 1794, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (1), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

*The 14th May, 1886.*

C. P. ILBERT.

# COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED TO IN THE STATEMENT OF OBJECTS AND REASONS.

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

With reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moulemein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,\* and which are fully described in paragraph 25 of the despatch

\* 11 & 12 Vic., c. 21.

last referred to.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents present-

† 17 & 18 Vic., c. 104.

‡ 17 & 18 Vic., c. 33.

ed by section 289 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two; but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic., c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy

Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all the interested parties, or qualified to form an opinion on the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

*Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.*

## DRAFT OF

### BILL

TO

*Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

#### *Preliminary.*

1. (1) This Act may be cited as the Indian Bankruptcy Act, 1885.  
(2) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883:

Provided that the following shall not extend to England, namely:—

- Sections 39 and 40;
- Section 41, sub-section (2);
- Section 48;
- Section 49, sub-section (1), clause (c), and sub-section (2);
- Section 62, sub-section (2).

## PART I.

### PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

#### *Acts of Bankruptcy.*

3. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- (d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;
- (e) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;
- (f) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;
- (g) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within fifteen days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to effect the service, either

comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(h) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

#### *Receiving Order.*

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

- (a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and
- (b) the debt is a liquidated sum, payable either immediately or at some certain future time; and
- (c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and
- (d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(5) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)*

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceeding, or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

7. (1) A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court and an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts, and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

8. (1) On the making of a receiving order the official receiver shall be forthwith constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action, or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution, or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

10. When the Court makes an order staying any suit, action, or proceeding or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

11. (1) The official receiver of a debtor's estate may, on the application of any creditor or creditor manager, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be prescribed.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in

the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankruptcy or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and any all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

15. (1) Where a receiving order is made against a debtor, the debtor shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within three days from the date of the order;

(ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

*Public Examination of Debtor.*

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him: they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

*Composition or Scheme of Arrangement.*

17. (1) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor,

Power for creditors to accept and vote to approve composition or arrangement.

[40 & 47 Vic., c. 62, s. 16.]

[11 & 12 Vic., c. 21, ss. 6 & 12, 40 & 47 Vic., c. 62, s. 16.]

[11 & 12 Vic., c. 21, s. 5, 40 & 47 Vic., c. 62, s. 8.]

[11 & 12 Vic., c. 21, ss. 13 & 19, 40 & 47 Vic., c. 62, s. 9.]

[11 & 12 Vic., c. 21, s. 40, 40 & 47 Vic., c. 62, s. 10.]

[40 & 47 Vic., c. 62, s. 11.]

[40 & 47 Vic., c. 62, s. 12.]

[40 & 47 Vic., c. 62, s. 13.]

[40 & 47 Vic., c. 62, s. 14.]

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Section 18-20.)*

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objection which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act while the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be certified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done made or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and a, if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being giving to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding subsection.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or

would not be released by an order of discharge if the debtor had been adjudged bankrupt.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

19. (1) At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a receiving order is made and no creditors attended at the time and place appointed for the first meeting or one adjournment thereafter, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt.

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee.

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

20. (1) The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained.

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declines that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under subsection (2) and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)*

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section (2), forthwith summon a meeting of creditors for the purpose of appointing a trustee.

21. (1) In any case in which a declaration is made under section 20, sub-section (2), and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers of attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

22. (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

23. (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and

from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds amongst his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

24. (1) The Court may, by warrant addressed to any [46 & 47 Vic. c. 52, s. 25.] Arrest of debtor under police-officer or prescribed officer of certain circumstances. the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

25. Where a receiving order is made against a debtor, [46 & 47 Vic. c. 52, s. 25.] the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

26. (1) The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

*Discharge of Bankrupt.*

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinafter referred to are—

- (a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;
- (e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for the application for discharge shall be published

in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

28. In either of the following cases; that is to say—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is a judged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

29. (1) An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

30. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Administration of Property.—Sections 31-37.)

the Court at the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

1 & 12 Vic., c. 21, s. 30. (2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

16 & 17 Vic., c. 62, s. 30. (4) For the purposes of this section any debt disputed by a debtor shall be deemed to be paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount of the recovery in any proceeding for the recovery of or satisfaction of the debt, with costs; and any debt due to a creditor who cannot be found or cannot be reached shall be deemed to be paid in full if paid into Court.

### PART III

#### ADMINISTRATION OF PROPERTY.

##### *Proof of Debts.*

1 & 12 Vic., c. 21, s. 31. (1) Debts in the nature of unliquidated damages, Description of debts arising otherwise than on account of a provable bankruptcy, equitable, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his receiving notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

1 & 13 Vic., c. 1, s. 43. (4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or equals of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any contingency or contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

1 & 12 Vic., c. 21, s. 32. (1) Where there have been mutual or reciprocal debts between a debtor and a creditor, the Court shall be made under this Act, and any other person paying or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and so more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

33. With respect to the mode of proving debts, the right Rules as to proof of debts, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and

(c) all wages of any labourer or workman not exceeding five hundred rupees, which are payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, and as the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportion between themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

35. (1) Where at the time of the presentation of the petition for bankruptcy any person is an apprentice or clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement, and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on their behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or article clerk to the bankrupt, or any person acting on behalf of such apprentice or article clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, even before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent is levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

##### *Property available for Payment of Debts.*

37. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 38-41.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

- (1) property held by the bankrupt on trust for any other person;
- (2) the tools (if any) of his trade and the necessary wearing-apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

- (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;
- (ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and
- (iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

39. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

40. (1) Where execution of a decree has issued against any property of a debtor which is subject in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

41. (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlor made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement

can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

42. (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

43. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on transactions with an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors;
  - (b) any payment or delivery to the bankrupt;
  - (c) any conveyance or assignment by the bankrupt for valuable consideration;
  - (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration;
- Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

44. (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferred on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 45-49.)

[40 & 47 Vic., c. 62, s. 61.]

**45.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 62, s. 27.]

[40 & 47 Vic., c. 62, s. 63.]

**46.** (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this subsection the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 62, s. 7.]

[40 & 47 Vic., c. 62, s. 64.]

**47.** (1) Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 62, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver, when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[40 & 47 Vic., c. 62, s. 65.]

**48.** (1) Where any part of the property of the bankrupt consists of any tenancy held on with property open as covenants, of shares or stock in companies, of immoveable contract, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any covenanted act, or to the payment of any sum of money, the trustee, notwithstanding that he has not consented to sell or has taken possession of the property, or executed any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property:

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of settling the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not, and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment in or for the purpose.

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgage or under-tenant declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**49.** (1) Subject to the provisions of this Act, the trustee [40 & 47 Vic., c. 62, s. 53.] may do or may of the following things:—

(a) sell all or any part of the property of the bankrupt [11 & 12 Vic., c. 62, s. 31.] (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipt for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(d) exercise any powers the trustee is entitled to exercise which is [11 & 12 Vic., c. 62, s. 30.] vested in the trustee under this Act, and execute any power-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

(e) deal with property to which the bankrupt is beneficially [40 & 47 Vic., c. 62, s. 54.] entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by a trustee under clause (c) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

*The Indian Bankruptcy Bill, 1885.*  
(Part IV.—Official Receivers.—Sections 50-60.)

**50.** The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a solicitor or other agent to take any proceedings or carry business which may be sanctioned by the committee of inspection;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the trustee by any person or by the trustee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

*Distribution of Property.*

**51.** (1) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of his estate.

**52.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the

**53.** In the calculation and distribution of a dividend the trustee shall make provision for the debts of the bankrupt provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to be taken to them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**54.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**55.** When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**56.** No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

**57.** (1) The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, in the ordinary trade of any of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

(2) The trustee may, from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

**58.** The bankrupt shall be entitled to any surplus remaining after payment in full of his debts, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

**PART IV.**

**OFFICIAL RECEIVERS.**

**59.** (1) The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

**60.** (1) The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

§ 47 Vic. c. 60.]

**61.** As regards the debtor, it shall be the duty of the official receiver—

- (1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 121, 122, 123 or 321 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;
- (2) to make such other reports concerning the conduct of the debtor as the Court may direct;
- (3) to take such part as may be directed by the Court in the public examination of the debtor;
- (4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct.

V of 1860.

§ 47 Vic. c. 60.]

**62.** (1) As regards the estate of a debtor it shall be the duty of the official receiver—

- (a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;
- (b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;
- (c) to summon and preside at the first meeting of creditors;
- (d) to issue forms of proxy for use at the meetings of creditors;
- (e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;
- (f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;
- (g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferred on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and still not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods:

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

## PART V.

### TRUSTEES.

#### *Remuneration of Trustees.*

§ 12 Vic. c. 10.  
§ 47 Vic. c. 60.]

**63.** (1) Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

*Costs.*

**64.** (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act, or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

#### *Receipts, Payments, Accounts, Audit.*

**65.** (1) An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

**66.** No trustee in a bankruptcy or under any composition shall pay or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

**67.** (1) Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the

[46 & 47 Vic. c. 60, s. 79.]

[11 & 12 Vic. c. 15-21  
Gen. rules,  
46 & 47 Vic.  
c. 60, s. 76.]

[11 & 12 Vic. c. 15-21  
s. 34.]

[46 & 47 Vic. c. 60, s. 75.]

[46 & 47 Vic. c. 60, s. 76.]

*The Indian Bankruptcy Bill, 1885.  
(Part V.—Trustees.—Sections 68-79.)*

same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankruptcy estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

**68.** (1) Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**69.** The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

**70.** The trustee shall keep, in manner prescribed, proper books to be kept by trustee, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

**71.** (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

*Release of Trustee.*

**72.** (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realised without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

**73.** The trustee may sue and be sued by the official name of "the trustee of the property of [46 & 47 Vic., c. 62, s. 63.]

a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

**74.** (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint [46 & 7 Vic., c. 62, s. 4.]

more persons than one to the office of trustee; and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

**75.** If a receiving order is made against a trustee, he shall thereby vacate his office of trustee. [16 & 47 Vic., c. 62, s. 85.]

**76.** (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee. [11 & 13 Vic., c. 21, s. 13. 46 & 47 Vic., c. 62, s. 86.]

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misfeasance, or fails to perform his duties under this Act, the Court may remove him from his office.

**77.** (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment. [16 & 47 Vic., c. 62, s. 87.]

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

*Voting Powers of Trustee.*

**78.** The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee. [46 & 47 Vic., c. 62, s. 88.]

*Control over Trustee.*

**79.** (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection. [16 & 47 Vic., c. 62, s. 89.]

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

*The Indian Bankruptcy Bill, 1885.*  
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

40 & 47 Vic., c. 52, s. 90.]

**80.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against trustee.

40 & 47 Vic., c. 52, s. 91.]

**81.** (1) The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over trustees.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

## PART VI.

### CONSTITUTION, PROCEDURE AND POWERS OF COURT

#### *Jurisdiction.*

40 & 47 Vic., c. 52, s. 92.]

**82.** (1) The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New]

**83.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassin;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

1 & 12 Vic., c. 52, s. 94 (2).]

40 & 47 Vic., c. 52, s. 94 (2).]

**84.** All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

**85.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

**86.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

40 & 47 Vic., c. 52, s. 97 (4).]

Power to state special case.

**87.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**88.** (1) Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make, receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

**89.** A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

**90.** (1) Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorized person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India: Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

#### *Appeals.*

**91.** (1) Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;

40 & 47 Vic., c. 52, s. 95.

40 & 47 Vic., c. 52, s. 96.

40 & 47 Vic., c. 52, s. 100.

40 & 47 Vic., c. 52, s. 102.

40 & 47 Vic., c. 52, s. 101.

40 & 47 Vic., c. 52, s. 75.]

*The Indian Bankruptcy Bill, 1885.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)*

- (b) an appeal shall lie from the order of the Court of the Recorder of Bangalore to the Special Court;
- (c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;
- (d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

**92. (1)** Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *in* face or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is inevitably prevented from attending the examination by illness or absence abroad.

**93.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

**94.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debt or may be included in the amount required by this Act in the case of the petitioner.

**95.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court orders otherwise, be continued as if he were alive.

**96.** The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think fit.

**97.** Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition may, without including the others, present a petition against any one or more partners of the firm.

**98.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

**99.** Where a receiving order has been made on a bankruptcy petition presented by or on behalf of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks fit.

**100.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of

the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

**101.** Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

**102.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

## PART VII.

## SMALL BANKRUPTCIES.

**103.** When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

- (a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in the bankruptcy;
- (b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;
- (c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall prevent the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that a person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

**104. (1)** This part shall extend to British India.

(2) "The Court" in this Part means the Court before which an application is made.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part.

Provided that a person shall not be punished twice for the same offence.

**105.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say:—

- (a) If he does not, to the best of his knowledge and belief, fully and truly deliver to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;

*The Indian Bankruptcy Bill, 1885.*  
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

- (d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:
- (e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:
- (f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:
- (g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof:
- (h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:
- (l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:
- (m) If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:
- (n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:
- (o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:
- (p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:
- (q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with references to his affairs or his bankruptcy.
- 106.** If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be

punished with imprisonment which may extend to two years, or with fine, or with both.

**107.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

- (1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;
- (2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**108.** If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

**109.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

**110.** Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

**111.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX.

### SUPPLEMENTAL PROVISIONS.

#### *Application of Act.*

**112.** A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

**113.** A receiving order shall not be made against any partnership, or association, or company registered under any enactment relating to companies for the time being in force.

**114. (1)** Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

115. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

*Evidence.*

117. (1) A copy of the *Gazette of India* or of a Local *Gazette* to be evi- Government, containing any notice dence. inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

118. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same time at meetings of or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

119. Any petition or copy of a petition in bankruptcy, Evidence of proceed- any order or certificate or copy of an ing in bankruptcy. order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

120. Subject to general rules any affidavit may be used Swearing of affda- in a Bankruptcy Court if it is sworn— vils.

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

122. Every Court having jurisdiction in bankruptcy un- Bankruptcy Courts to der this Act shall have a seal describ- ing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction.

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

**125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

**126. (1)** No proceeding in bankruptcy shall be invalid by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

**127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

**128.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**129.** Where by any enactment or instrument reference is made to the 11 & 12 Vic. cap. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**130.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**131.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

*Unclaimed Funds or Dividends.*

**132. (1)** Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act put the account referred to in this Act as the bankruptcy estates account.

*Interpretation.*

**133. (1)** In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government;

"High Court of the province" means the highest Civil Court of appeal for the province;

"the Court" means the Court having jurisdiction in bankruptcy under this Act;

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour;

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy;

"general rules" include forms;

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour;

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"prescribed" means prescribed by general rules within the meaning of this Act;

"property" includes money, goods, things in action, land and every description of property, whether moveable or immoveable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

"resolution" means ordinary resolution;

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

"schedule" means schedule to this Act;

"sheriff" includes any officer charged with the execution of a writ or other process;

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

*Repeal.*

**134. (1)** The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

*The Indian Bankruptcy Bill, 1885.*

*(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)*

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(5) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

**THE FIRST SCHEDULE.**

*(See section 14.)*

**MEETINGS OF CREDITORS.**

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make: but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his

the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be signed by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

**THE SECOND SCHEDULE.**

*(See section 33.)*

**PROOF OF DEBTS**

*Proof in ordinary cases.*

*The Indian Bankruptcy Bill, 1885.  
(The Third Schedule.—Enactments repealed.)*

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

*Proof by secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rules, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and

*Proof in respect of Distinct Contracts.*

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

*Interest.*

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

22. The trustee shall examine every proof and he grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

(See section 134.)

**ENACTMENTS REPEALED.**

*A.—Statute repealed.*

Year and Chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B.—Acts repealed.*

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

### DRAFT ACT OF PARLIAMENT NO. 1.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease; the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order or adjudication had been made in England.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

### THE SCHEDULE.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

section 45.  
section 46.  
section 50, sub-sections (2) and (4).  
section 42.  
section 55.  
section 56, sub-section (5).  
section 70, sub-section (2), except in so far as it refers to the Board of Trade.

### DRAFT ACT OF PARLIAMENT No. II.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. (1) The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same,—

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by

or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. (1) The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

- (a) a receiving order and the rescission of the same; [Bill, no. 3 & 1, s. 20 (1).]
- (b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & s. 11 (1).]
- (c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & (15), s. 18, s. 22, Bill, s. 17 (11), s. 22 (3).]
- (d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3), s. 17 (12), s. 18, s. 20 (1), s. 22 (3), s. 37, s. 39, s. 41, s. 43, s. 45, s. 47 (1), Bill, s. 22 (2), s. 30.]
- (e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 47 (2) & (3), s. 72, s. 74, s. 76, s. 77.]
- (f) an order of discharge and the revocation of any such order; [Bill, ss. 27, 30 & 31.]
- (g) the decision of a Court on any question of law or fact; and [Bill, s. 90 (1).]
- (h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India.

(3) Provided\* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections (2) and (4) of section 50, section 52, section 53, sub-section (5) of section 56, and (except in so far as it refers to the Board of Trade), sub-section (2) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions.

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

\* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered, in Council the letter of Your Excellency in Council, No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.  
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining in the first instance an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GONLEY, Esq., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Governor of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (preferably the Draft marked No. 1), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian Legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained on the terms of Draft No. 1 conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. 1 should be applied for.

From R. GIFFEN, Esq., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting by direction of the Secretary of State for India in Council, copy of a despatch with its enclosures, from the Governor of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board is aware that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. 1 which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should apply to the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment, such as that referred to, is the advisability of obtaining power to extend, if necessary, the provisions of section 1 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, enclosed a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIXON, Esq., to the Hon'ble MR. C. P. ILBERT,  
—(dated Calcutta, the 23rd July, 1885.)

*Bankruptcy Bill.*

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerably experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Object and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 44 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

<i>Gray v. Cheek</i> , Coryton 136.	
<i>Re Shih Chundia Mullick</i> , 8 B. L. R. 30.	
<i>Re Parke Pittar</i> , 8 " 118.	
<i>Re Howard Brothers</i> , 13 " (App.) 9.	
<i>Re T. Agabeg</i> , 12 Cal. Rep 165	

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Object and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act, 1878—11 & 12 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immovable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India,  
Legislative Department,—(No. 2551, dated 22nd September, 1885).

With reference to your letter of the 17th June last, No. 1039 I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley the views of the other Hon'ble Judges will be requested upon the points raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885.—

*Opinion.*

With reference to the order of Government, Judicial Department, dated the 30th June, 1885, No. 1722, I have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the background and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners' names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(Signed) H. H. SHEPARD,  
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2135, dated 31st July, 1885).

WITH reference to G. O. dated the 30th June, 1885, No. 1722, Judicial, forwarding for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the Hon'ble T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian bankruptcy and insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency towns, namely, 11 & 12 Vic., cap. 21, is very cumbersome and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 45 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. Section 5 (1) a.—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £50, but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (1).—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a).—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c).—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head should be limited to Rs. 200 and not more.

Section 38, sub-section (2).—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors, but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65 sub-section (1). I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act 111 of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kind of stridhanam property of a Hindu married woman. There are several kinds of stridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf of all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common vice for an allotment member of a firm to remain in the background and allow a partner, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government,  
—(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c. the Law of Bankruptcy and Insolvency in British India.

#### Memorandum.

*Preliminary remarks.*—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvency Law in India which shall apply alike to the English-speaking and the Hindu Communities. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattawatti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *totally* from the cruel story of the cruises which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghall Street which arises out of the Englishman's practical ideology of the British "CREDIT."

No native, unless demoralised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst native traders takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is lender of a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Herbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

*Section 1.*—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvency Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 11 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, e.g. for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provision of the Bill.

I note contents of section 37, section 47 read of section 9 (D), but until orders *by the Court* are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

*Section 5 (1) (d) and section 7 (D).*—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition; and a debtor who gets himself incarcerated in such a place by a credulous creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephens & Nixon & Co., a firm trading at Cocanada and Gopalpur, but the bulk of whose unsecured creditors were in the Presidency town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (d), has "*England*," where this Bill has "local limits."

*Section 27 (C).*—Under this provision the Court will make allocations from income similar to those made under the Insolvency Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbersome process of obtaining first a rule *nisi* and then a rule absolute against the defendant—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and quasi-Government employees the allocator do have the force of an attachment for a specified amount—probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

*Section 30.*—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

*Section 42 (D).*—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at the rials as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

*Section 88.*—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the Administration report of the High Court (now in the press) that out of 193 applications in the year 1881-85 only 28 were from traders and over seventy returned assets "nil."

*Section 116.*—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the purpose of bankruptcy proceedings to hold *in terrorem* over a debtor as an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BEXSON, Esq., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2163, dated 12th August, 1885).

In continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Hanthly on the draft Bill to amend the Law of Bankruptcy and Insolvency.

#### Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, Esq., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

- (1) "The Bankruptcy Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106);
- (2) "The Bankruptcy Act, 1851" (17 & 18 Vic., cap. 119);
- (3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 131);
- (4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
- (5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency towns and in Rangoon, Moultan, Akyab, Bessin and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the presidency of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, Esq., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 21st October, 1885).

In continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

#### Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras:—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employes.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 75,310 15 10 9,081 12 8 1,27,280 0 0 2,03,016 9 10 75,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 16,123 8 6 8,607 0 0 8,115 5 9 32,962 5 0 21,973 5 3 21,721 2 1	20	21	63	6	21
1882	3 Rs. 2,858 9 9 36,174 3 1 85,821 7 9	12	48	80	12	33
1883	16 Rs. 21,501 8 10 1,919 9 4 4,191 6 9 5,312 10 9 7,55,977 13 4 9,721 0 5 5,151 11 10 3,000 3 1 9,876 13 0 53,600 0 0 10,501 4 8 2,89,316 10 3	4	30	90	11	60
1884	No schedules filed in four numbers 6 Rs. 32,281 10 2 82,539 11 6 5,87,974 1 7 1,10,114 2 8 35,712 2 9 No schedule filed in one case	5	38	90	12	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of those trading cases there are no assets available. Some 70 or 75 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

**English Act.** A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish an act of bankruptcy, and when a decree is obtained there is no property to seize.

6th.—There are occasionally failures in the Mufassal of European and Native trader who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

7th.—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court, and annuls the insolvency by consent. I think it advisable to make provision that such cases shall bear a portion of commission of the Official Assignee.

8th.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department, —(No. 3003, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 2nd September, 1885, No. 2551, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Hanley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras.—(No. 2900, dated 4th November, 1885).

ADVISING to G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Hanley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not seem to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judge in the latter Court, may result in the appointment to the Small Cause Court of a Judge with partly that experience which Mr. Justice Hanley thinks wanting.

From H. BARRY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department, —(No. 8525, dated 17th December, 1885).

I AM directed to acknowledge the receipt of a letter No. 1050 of the 17th January, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of the Government, and also of the Hon'ble the Judges of the High Court and of such of its officers, commercial bankers and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am directed to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to insert in the existing Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were provided under Bombay Act XXIII of 1845. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Stenographer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay, —(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 3604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (b), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection, and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (c) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (a) limits the bankruptcy-jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (c) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (c). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (c), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (c) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (c) restricting the power of the Local Government to the appointment of Courts situate within the local limits of the jurisdiction of the High Court.

7. In section 91 (a) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 of that section is an appeal lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. *Section 3 (1) (i).*—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *bondum* transactions are rather the rule than the exception, and in an Act when, by Judge from section 82 (c), is intended to be capable of application by Native Judges in the Muzassat, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. *Section 3 (1) (d), (c) & (g).*—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwiser, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, or whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c., &c.

11. *Section 7 (1).*—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (e)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic. cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2)*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessities of life, on the money-lenders. The money at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter how long a period after by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39 (1)*—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2)*—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in that sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2)*—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution-creditor at the time of the further part payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110*—I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 31 (1) (b), (c), (g). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105 (a)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (3) and (4) and section 116*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic. cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta," and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lenders in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity and before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society to me, compared with Indians, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about 40 per cent.) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the indigent debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles," at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay, (No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this

extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'être* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present headquarters of the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute II Vic., cap. 21, I am inclined to think it is not within the competence of the Indian Legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and it was necessary the payment of searching fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers, and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *cum morando et recurrendo* between the two Courts.

"18. I believe that in Malabar the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment debtor has actually been arrested. On the other hand any person may avail himself of the provisions of the Statute II Vic., cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction shall be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognate the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense at all, without adding to the work of any other Court by the abolition of the present system of imprisonment for debt, by its simply to avoid arrest, or to escape from imprisonment, thus, to the great majority, if not all, of the insolvent debtors applying for the benefit of the Act.

From the HON'BLE F. L. LATHAM, Advocate General Bombay, to Under-Secretary to Government, Bombay, (No. 30, dated 14th September, 1885).

With reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is a very good adaptation of a rather excellent last English Bankruptcy Act—that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require rapid alteration, and the present Insolvency Law of India, which, though imperfect, does not on the whole work badly, may without any serious disadvantage be allowed to continue in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths and subject to the approval of the Court to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 allows the creditors if the Court directs such an appointment desirable, to appoint a person other than the Official Receiver to act as the manager of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I doubt lest the effect of these sections should be to facilitate and lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1833 the sanction to this form of fraud was greater it was notoriously provided. I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsibility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide Williams' Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees is enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (5) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 do not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, Esq., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I am directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Shght, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vibhramdas Aminam, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtain the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and amendments which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance, and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorandise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unfitness. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be inadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances; and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is not a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and thus by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once made it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions, where not already settled by existing Acts, namely:—

Member of the Legislative Council,  
Justice of the Peace,  
Member of the Town Council or Municipal Corporation,  
Member of a Port Trust or Harbour Board,  
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber beg to submit the subjoined remarks:—

**Section 5 (1) (b).**—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the latter should be wound up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

**Section 8.**—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

**Section 12.** The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

**Section 15.** As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under subsection (2) (a), where an order is made in the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (a) the time be increased from seven to twenty days.

**Section 16.**—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to subsection (1).—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

**Section 17.**—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information of the state of the debtor's affairs, and it seems desirable, therefore, that the following words should be appended to subsection (2).—

"with a full statement of the debtor's affairs."

**Section 21.** The Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of a merchant are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable service in a voluntary liquidation; but the experience of those who have been concerned with bankrupt estates here is of an entirely different kind. In all probability it might lead to the appointment of committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things:—"

and in subsections (1) and (1) of the same section, (2) of section 51, (1) of section 57, and (1) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

**Section 24.**—The desirability of arranging to secure clearance of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section and also under (2) of section 26.

**Section 25.**—The same provision as for the restriction and delivery of letters should be made for telegrams.

**Section 27 (5)** allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

**Section 27 (6).**—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

**Section 31 (5).**—Considering that the current rate of interest in India is 9 per cent. as compared with 5 per cent. in England, the rate of interest payable out of surplus funds, as provided for in the clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

**Section 36 (1).**—The Chamber is of opinion that the power conferred to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

**Section 52 (2).** After the words "application of" the Chamber suggests the insertion of the words "the trustee or"

**Section 64 (2).**—It would be well to have the "proscribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charge may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

**Section 67.**—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

**Section 70.**—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mchltas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mchla* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

*Section 88 (2).*—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (d). The omission of clause (3) is accordingly suggested.

*Section 103.*—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 Rs. 5,000. Estates within the latter limit is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon as provided under clause (c).

From H. BARRY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

With reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th ultimo, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

With reference to your letter No. 1615, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Fayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

In accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### *Remarks.*

*Protection from arrest.*—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been almost entirely abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection orders, and afterwards by obtaining their personal discharge under section 17, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further step after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to deny petitions for want of presentation, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order; there does not appear to be any provision to this effect in the proposed Act.

*Adjudication of bankruptcy.*—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudged insolvents should (1) make the statement required by section 15 and (2) come up for the public examination required by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 21 of the proposed Act; but as absconding debtors almost invariably go to Native States, it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

*Composition with creditors.*—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors lately executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

*Property of bankrupt.*—The words of section 38 (2), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Muzassal or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

*Discharge of bankrupt.*—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court:—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 15, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of discharging petitions given by section 17, and as to a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 165 and 167, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share market, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

**Decree against bankrupt.**—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where means are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, this practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, where under the present Act would entail an equal number of public examinations, the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. To provide for section 99 of the English Act, or such a difficulty of them as may be considered proper, might well adequately be inserted in this Act, and work of a formal nature, such as taking and examining affidavits in unopposed cases, granting receiving orders, and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer in accordance with section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estate account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividend under the present Act. These unclaimed dividends in Bombay amount to over six lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1871, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by creditors in their schedules as due, but which have not been proved, and are for the most part unprovable, and it is doubtful whether these dividends can be distributed under the Act of 1871. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvent Act the Official Assignee can only be removed from office in the case specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

#### Appendix.

**Section 2. Regarding application of section 18 to England.**—Section 18 could hardly be made applicable to England, but nevertheless cases may arise in which enormous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

**Section 21 (2).**—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (2).

In cases in which the Official Receiver is acting in reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

In that event some such words as the following might be added to section 21 (2):—

“by and with such notice to such creditors as the Court may think fit to direct.”

**Section 24.**—As has been already pointed out the value of this section would be very greatly increased if it enabled debtors to be discharged in Native States, &c., also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court, or any other part of British India, but only deals with the case of a debtor who is “absent from and without any part of India.”

**Section 31 (1).** *Unpaid rates.*—Particular dues, &c., are at present only entitled to dividends.

**Sub-section (3).** *Interest after payment of principal in full.*—As decrees in India carry interest at 6 per cent, in the ordinary way, it after the receiving order should be allowed in India at 6 per cent also.

**Section 36.**—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distress upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver who now has to take care to the landlords, on the necessity of their claim, often put paid to, on the grounds of priorities left to them, and claim a lien for rent, and as rent in Bombay is heavy, and the value of the goods charged upon certain such claims, even under the present law, are not easily disposed of. The proposed change, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

*Section 38, clause (2).*—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic, cap 21, section 7, are "wearing apparel, bedding, and other such necessaries."

*Section 51 (2).*—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

*Section 57 (2). Allowance to bankrupt.*—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of collusion for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

*Section 61. Official Receiver's report.*—Before the discharge of any bankrupt under section 27 of the now proposed Act, the Official Receiver has *nothing* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must, in cases of insolvent traders have the assistance of experienced Native accountants capable of giving a true and unbiassed Native account-books.

Account-books in Bombay are kept not only in different languages and characters, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *machas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate) to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

*Section 65 (7).*—We do not consider that this provision can be of any value in India.

*Section 67. Investment of moneys.*—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated to the general purposes of the Act (section 67 (2)).

Were it possible to distribute the moneys so received as quickly as is contemplated in the Act, there would be no great fear of the moneys being lost or wasted. In Bombay, however, considerable sums have always to be reserved to meet the possibility of an order on that day being issued in any case of insolvency proving unsuccessful, and yet by a small number of claims of creditors cannot be quickly applied.

It would, therefore, seem that moneys so realized should not be invested for their benefit.

Perhaps the simplest way would be to allow the provisions of the Act as they are, and out of the interest accruing under the provisions of the Act to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" without regard to class.

*Sections 91 to 94.*—In preparing a draft of the "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay where the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and his staff, with proper establishments, to carry on the insolvency business of two separate Courts.

We believe that both the High Court and the Small Cause Court of Bombay were opposed to the introduction of the provisions.

*Sections 92 (1), 100, 101, 102, 103.*—All "Times" allowed for the first are far too short, and though full power of extension is given by section 92 (1), yet the time mentioned in the different sections for each Act should, as far as possible, be made more or less uniform within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

- (1) the Courts sit weekly only;
- (2) local officers are always in arrears, especially during the busy season, and take a long time to make up and only a very limited number of *machas* can be employed on them at once;
- (3) traders here frequently always have goods on their way to England or elsewhere, the accountants' delay is not received for a considerable time;
- (4) no estate of any size can be realized without litigation owing to the invariable attempts made by the insolvent to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

*Section 94. "Petitions as to partners in different Courts."*—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency towns would be transferred to the Court in which the first petition was filed, otherwise some provision is required on this point. See also section 13.

*Section 101 (1).*—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and thereby distract interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish the bankrupt's affairs more extensively investigated and the bankrupt himself punished, but provisions made for this by clause (c) of this section (103).

*Section 110 (2).*—Is the suggested order on the above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the nomination of that officer also under this section.

*Section 119, clause (1).*—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be sworn before the British Resident or Consul or Political Agent?

*Lien on bankrupt's books of account, creditors and others.*—There have been several cases lately in Bombay of collusion, claiming all non-trading books of account, and so making it extremely difficult for creditors to get full and true inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule. — See *late Law on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, Esq., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the accompanying replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades' Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through; and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

The Solicitor to the Government of India, No. 1090, dated the 3rd September, 1885, and enclosure  
The Chief Judge, Court of Small Causes, Calcutta, No. 08, dated the 2nd October, 1885.  
The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.  
Maharaja Sir Joteendro Mohun Tagore, x.c.s.s., dated the 31st August, 1885.  
Baboo Doorga Churn Law, dated the 7th September, 1885.

From R. L. UPTON, Esq., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal,—(No. 1096, dated 3rd September, 1885).

REFERRING to your No. 1336 J.D. of the 8th ultima, I have the honour to forward you herewith a copy of the Hon'ble the Advocate General's opinion on the subject therein referred to.

#### OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition the Bankruptcy Court of the Presidency in which they have carried on business, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petition if it thinks fit, the powers to adjudicate being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court; but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

The 29th August 1885.

(Signed) G. C. PAUL.

Advocate General.

From G. C. SCOTCH, Esq., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned; but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, Esq., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable; but as there appears to be no intention to make it current there, this is no detracton from its merits.

From MAHARAJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 314), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable; and clause (1) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unfrequently do, bring an insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months time can easily avoid going to jail by getting up a creditor for a petition against him, and the law is at once defeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine qua non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (1) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (a) of section 273). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business for a long time, and for the whole period in the case of persons who have carried on business for less than three years; as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (a) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (2) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency-towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of powers by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORJA CHURN LAW, to Officiating Under-Secretary to Government, Bengal,  
(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 13413-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. There was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been framed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has not been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilized to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 & 12 of Victoria, 21, has been in operation in the Presidency Courts has suggested, and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtor to it, and this is done in clause (1), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (a) of section 27 (3) is likely to act with hardship. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would surmount the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years of trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have entered on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure. They live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to any accidental or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8. The provision made in clause (g) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (1) of section 16 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvents, but the next clause appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No salary due or becoming due on account of any such (political) considerations or past services, pension or allowances shall be liable to seizure, attachment, or sequestration by process of any Court in British India, the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision has been upheld in several subsequent Acts, and appears list in section 234 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Persons are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into a civil right. They are granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—provisions for old age—and are liable to stoppage at any time at the will of the donors, and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only objectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, Esq., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Muzaffar is liable to be used in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

5. The Committee are of opinion that the amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undesired hardship on a large number of employes. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employes who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

6. The Committee would beg to suggest that in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the date of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gubbay re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the sole possession of the partner or partners who happened to be resident in this country.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachments against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be inadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

39. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars—  
But it shall comprise the following particulars—  
(a) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. Provided that things in motion, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

40. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Service, or an officer or clerk or other person of the Government, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is received, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors, and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, Esq., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

With reference to your letter No. 1040, dated the 17th June, 1885, asking for opinions on the provisions of the Bill to amend the Law of Bankruptcy and Insolvency in British India, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of the papers marginally noted on the subject.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 8th October, 1885.  
Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy-petitions against such firms; so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary more or less in concert with fluctuations in the number of applications for execution of decrees. Compared with these, the percentage of applications for insolvency has steadily increased from 15 per cent. in 1881 to 35 in 1882, to 37 in 1883 and 39 in 1884. I feel convinced that, inasmuch as the provisions of Chapter XX now are, they are still too intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *verbatim* the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 674—11178-2, dated 24th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows.

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Herbert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brelhurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Tyrrell also has no remarks to offer on the Bill.

From C. L. TUPPER, Esq., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

(1) Judges of the Chief Court (Registrar's No. 2582, dated 11th August, 1885).

(2) Government Advocate (No. 370-D.A., dated 21st September, 1885).

(3) Bunssee Lal Ram Bhattan, Rai Bahadur (No. 982, dated 2nd September, 1885).

(4) Rai Moh Ram (dated 27th August, 1885).

(5) Ram Kishen Das, Honorary Magistrate, Delhi (dated 25th September, 1885).

(6) Rai Bahadur Kallam Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).

(7) Chota Lal, Lahore, (dated 16th October, 1885).

(8) Lala Gaur Mal, Honorary Magistrate, Amritsar, (dated 16th October, 1885).

(9) Baggan Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

WITH reference to your letter No. 1012, dated the 17th of June, 1885, I am desired by the Lieutenant Governor to submit, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

From T. G. WALKER, Esq., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No. 2582, dated 13th August, 1885).

IN reply to your letter No. 661-S., dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, Esq., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only constitutes by its direct operation four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon. I also observe that while power is taken to confer upon Local Governments authority, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (1872) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and technical for the state of things prevailing here.

From BUNSEE LAL RAM BATTAN, Rai Bahadur, to Under-Secretary to Government, Punjab.—(No. 982, dated 2nd September, 1885).

As directed in your letter No. 814-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

**Section 42, clause (1).—**Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three\* months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

\* Should be six months: three months is too little a time.

## PART V.

### TRUSTEES.

#### Remuneration of Trustee.

**Section 63, clause (1).—**Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

**Section 83, clause (c).—**The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

**Section 91, clause (c).—**An appeal shall lie from the order of a Court appointed by a Local Government under section 82 of the High Court of the province.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

The appealable orders should be specified. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

## PART VII.

### SMALL BANKRUPTCIES.

**Section 103.—**When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner.

**Section 105.—**Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years or with fine or with both, \* \* \*

#### Notices.

**Section 125.—**All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

**Section 133 (1).—**In this Act, unless the context otherwise requires,—

#### Interpretation.

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

**Small Bankruptcies.**—This should not be with regard to the amount of the debtor's property. It should be the reverse, i.e., with reference to the amount of *debts due*, and the amount to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

**Imprisonment**—Simple or what?  
**Fine.**—What amount?

Insert *registered* between the words "prepaid" and "part."

These interpretation clauses should be placed in the beginning.

Should be *one hour*.

24. If within *half an hour* from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGHAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

With reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be made clear whether the foreign States come within the definition. Amongst the General Clauses Act, I of 1858, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistan*, &c. &c.

3. In the same section clause (b) is somewhat better, that by using the process of sale in execution of decrees cannot be said that the debtor has committed an act of bankruptcy.

4. In section 5, clause (d), paragraph 2nd, where it is said within a year before the date of presentation of the petition or bankruptcy, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the same section 6, clause 1, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come prepared and unnecessary delay may not occur.

6. In the section 6 clause 5, that the works to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause 1, where it is said that he is in prison, &c. &c., should be added if he is left on security under section 233 of Civil Procedure Code, Act XIV of 1852, as it is generally the case with indigent debtors in execution of decrees of civil courts.

8. Section 17, paragraph 1b, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who would be entitled to depend from the estate of bankrupt, and not for others who do not have their rights limited by the provisions of the Act.

9. Section 27 is added. That it should be added that who contracted debt *prokles by or carelessly*

10. Section 28 clause 1, should fix a period in which debt may be legally delayed, say 12 years is a reasonable term. After that he must be freed from that debt, otherwise it would be a bankruptcy always a bankruptcy.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department—(No. 1131-292, dated 24th October, 1885).

I am directed to acknowledge No. 1033, dated 17th June last, for forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The bill will affect only the Principal towns of the four chief towns in British Burma and the few large commercial centres, which may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of its extension of the Bill to any town in the Provinces in the future is remote. Under the circumstances the Chief Commissioner has not thought it necessary that he should make any recommendation.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Nall, Officiating Judicial Commissioner, and Mr. Vernon, Chief Magistrate, Nagpur. Neither of the officers has offered any criticisms on it.

From E. S. SYMS, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department—(No. 252-26-L., dated 15th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1011, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letter cited in the margin, which contain expressions of the opinion of the Judge of Moulmein, No. 120-2, dated 24th August, 1885, of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce, on the provisions of the bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal superfluous towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the Chief Civil Courts of Moulmein, Akyab, and Bassein, in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not oppose the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. Meekins that power should be taken in section 88 to confer on the Chief Civil Courts in Rangoon the jurisdiction in insolvency matters which it is proposed to enable the High Court to confer on the Small Courts in the principal towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicited special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter which seem to be worthy of consideration. It seems very important that the application of the cumbersome procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, on a rough estimate, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,71,000 of debts, and only Rs. 11,000 (less than 2 per cent. of the debts) recovered by the Official Assignee, would not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is, perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from a large part of the pains and penalties now accruing to themselves and their families from non-franchise of debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court at Rangoon is itself left to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge objects in favour of such abolition, though he mentions that the retention of this penalty has been practically done in many cases. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—L.D. No. 21, July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Chief Commissioner a matter of criminal offence for evading in the hope that the learned Judge would advise or comment thereon. He has nothing of nature or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. Macteson, Esq., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma. (No. 120—2, dated the 21st August, 1885).

In compliance with the request of the Government (No. 190—211, Circular Department, Legislative), dated the 6th ultimo, I have the honour to forward the following opinion on the Federal Bankruptcy Bill.

In dealing with the subject of insolvency, the Bill, in principle, of the Statement of Objects and Reasons, namely, as to the extent to which the law should be applied locally in British India, it is necessary to bear in mind the main object of the Bill, which is to relieve honest debtors from the punishment of imprisonment for debt. The carrying out of the Bill is a property for the benefit of honest debtors is really subsidiary to the object of the Bill, and the principle of the Bill should be entirely judged with reference to the existing machinery for carrying the proposed law for the benefit of debtors.

The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of the Bill, is not, as it was in the case of the Bill of 1854, when it was proposed to apply the law to the whole of British India, but whether the privileges of the proposed law should be extended to the whole of British India, or only to a portion thereof, and whether the good fortune to be in debtors of the small local courts should be regarded as a question of that law.

Allowing even that the same debtors should be in the jurisdiction of all the law arising in commercial seaports and the covering of the Bill, it is not possible to have only one law for the whole of India, and the carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill. The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill. The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill.

If it should be decided that the Bill should be applied to the whole of British India, it should, I think, at least be applied to the whole of British India, and the carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill. The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill.

Comparing the Bill of the Statement of Objects and Reasons which refers to the difference between the Bill and the Bill of 1854, it is not possible to have only one law for the whole of British India, and the carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill. The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill.

As regards the carrying out of the Bill, it is not easy to foresee how details, for the most part adapted to English procedure, would work in practice in India. My remarks, therefore, will be directed and confined to what appears to be the main object of the Bill rather than to entering the propriety or efficiency of the proposed procedure.

Section 8 (1) — It is intended that the Bill should be, to give the Court power to release the debtor from jail if he should be liable to be arrested or imprisoned, provided for that should be made hereby empowering the Court to order the release of the debtor who, by reason of his being liable to be arrested or imprisoned, even if the jail be within the jurisdiction of the Court, is nevertheless, in view of the different grounds which confer insolvency jurisdiction.

(2) — Under Act 2, XXVI of 1844, the power of sale is only conferred in respect of mortgages to which English law is applied, and the carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill. The carrying out of the Bill, in principle, of the Statement of Objects and Reasons of this Bill, might be effected by an act of the Government of India, which might provide the machinery and complications necessary to suit the requirements of the Bill.

Section 10 (b) — The Bill is intended that the Bill should be, to give the Court power to release the debtor from jail if he should be liable to be arrested or imprisoned, provided for that should be made hereby empowering the Court to order the release of the debtor who, by reason of his being liable to be arrested or imprisoned, even if the jail be within the jurisdiction of the Court, is nevertheless, in view of the different grounds which confer insolvency jurisdiction.

Section 21 (1) — The Bill is intended that the Bill should be, to give the Court power to release the debtor from jail if he should be liable to be arrested or imprisoned, provided for that should be made hereby empowering the Court to order the release of the debtor who, by reason of his being liable to be arrested or imprisoned, even if the jail be within the jurisdiction of the Court, is nevertheless, in view of the different grounds which confer insolvency jurisdiction.

(2) I would add after the word "sum" the words, "for his travelling expense, and subsistence."

should extend to any part of Her Majesty's dominion, suitable provision being made for the execution of the necessary authority from the Court having jurisdiction where the property is situate.

*Sections 82 and 83.*—As the Bill was drafted before the amendment of the Bankruptcy Act, 1875, by the Act of 1885, whereby the insolvent estate and the estate of the Receiver of Rangoon or Moumein has been vested in the Judge of Moumein, these sections could be altered so as to give the Court at Moumein jurisdiction in bankruptcy by the direct operation of the proposed Act.

*Part III.*—The usefulness of this paper would be extended by providing that the Official Receiver shall not be required to pay the court-fees provided for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any moneys that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of any stating small claims of insolvents must, I should think, not prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as declared by the facts stated in the schedule, and every other facility should be given him to render the property of the debtor in this way. I have referred to No. 25 of the rules of the Calcutta High Court, framed under the provisions of the Insolvency Act, 1907, which provides that the Official Assignee may sue without payment of *office fees* if he have no money, but this does not include stamp-duty, to which my remarks are intended to apply.

*Second Schedule 12 (c)*—To meet the case of mortgagors whose security exceeds in value the amount of the debt, corresponding right should, I think, be given to the mortgagee of mortgaged property at a reserved price equal to the amount due on the mortgage, and the balance may not always be a capital sum for redemption.

The trustee should also have the right to file a petition for redemption if the mortgagor does not seek to foreclose his mortgage within the redemption period.

From R. S. T. MAREWEN, Esq., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma.—(No. 161—51, dated the 29th August, 1885).

I have the honor to acknowledge receipt of your letter No. 101-23, dated 16th July 1941, forwarding copy of a draft Bill to amend the Law of Indigency and the vagrancy in India, and asking for a review and opinion on the provisions of the Bill.

2. The Bill itself is a large measure loaded with a somewhat delicate and complex subject. It is drawn on the lines of the recent *English Bankruptcy Statute*, and would require a considerable amount of study and present at any disposal to anyone who proposes to introduce it in a public body, or even to present it in its amended form. But I have, after a number of dealings with the subject, and having spent a considerable time, long been felt to be a necessity, and I think the necessity is that the measure should be brought forward in a summary fashion, that any member of the kind who had undertaken to do so, would be able to suggest a constructive proposal. Which this Bill today shows the opportunity, it is dedicated to, by which a fairly important and even important provision is drawn in a new and to give to it.

3. Part I (sections 18-20) of the Bill deals with the procedure to be followed from receipt of bankruptcy to discharge, and in case of large bankruptcies, where the bankrupt is unable to pay the reported creditors, a consolidated list of the creditors is made out for the bankruptcy court, but the number are more than under the present system, and a Bill to greater extent, to facilitate the liquidation of the estates. They will add considerably to the work of the Court, and of the Official Assignee called on to deal with the list, and appear to contemplate (in clause 18 and 19) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The nomination of such a trustee is not in large and important cases, as in the case of a small and undrained estate. It generally adopted, the case would be to take all the property likely to be realized and make a contribution to the trustee out of the hands of the Official Receiver and Trustee and to have him with only such cases as would yield little or no returns; and as he is not a judicial officer, he is not one, who, upon commission for his own labour and the cost of his administration, would be likely to be not inclined to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a salary to the Official Receiver, the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a judicial officer. At present the Official Assignee is not a judicial officer, and the Government nothing. No doubt section 21 enacts that in the discharge of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors. The Official Receiver would probably object. At all events there would be a conflict of interests, and it might be difficult to resist an application by the body or a majority of the creditors. Such application would never be made in unpaying bankruptcies, and the practical effect might be to leave these and no others in the hands of the Official Receiver. It seems to be concluded that there would be difficulty in finding non-official persons qualified and willing to act in these areas. I do not think this is so much to be apprehended, as the competition there would be for paying trustee's fees. There is always a considerable number of persons ready to offer for any business that may be expected to pay, and in this section (2) of section 24 contemplates the appointment of trustees. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a great deal of competition for the business, and appointments were likely to be made with the result put in view. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and in addition to the direction imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to the effect.

4. The ERI (section 63) provides for the removal of non-official traders, but it does not appear how the Official Receiver is to be paid. Of course if it is decided that he shall be a regular officer and receive no commissions, then the observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration, and he is to be a salaried officer, it may be well to enquire from what source his salary and other allowances are collected. The only court for chargeable in most instances is the ordinary petition for debt of eight annas, and the return serving notices go to the messenger, and not to the credit of Government.

5. The provisions of Part I are, it seems to me, more suitably complex for the large number of small bankruptcies which occupy so much of the time of the courts at present. It is too. Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does



Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of insolvencies.	AMOUNTS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	..	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland. The insolvent compromised with his creditors out of Court at four annas in the rupee.
2	9,305	309	...	...	309	...	920	...	920	
3	13,310	13,527	...	...	13,527	140	...	...	140	No schedule filed; Insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
4	5,579	...	...	...	...	...	...	...	...	
5	21,167	1,096	...	8,690	9,690	111	...	1,780	1,874	No schedule filed.
6	2,840	2,310	...	...	2,310	...	...	...	...	
7	..	...	...	...	...	...	673	...	673	No schedule filed.
8	11,097	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	Rupees 1,317 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
10	21,054	...	...	...	...	...	...	...	...	
11	2,35,847	...	478	1,31,600	1,31,678	...	478	...	478	No schedule filed.
12	Cannot be ascertained as case is transferred to Akvuh.	...	...	...	...	46	...	...	46	
13	2,889	...	...	...	...	...	...	...	...	No schedule filed.
14	61,354	4,517	1,700	...	6,217	65	658	8,571	9,294	
15	5,971	3,513	...	750	4,263	25	...	1,554	1,578	No schedule filed.
16	14,600	10,500	...	...	10,500	...	...	...	...	
17	9,327	1,150	...	4,874	6,024	59	...	3,220	3,298	No schedule filed.
18	29,580	660	...	30,500	30,500	...	114	...	114	
19	5,184	...	...	...	...	...	...	...	...	No schedule filed.
20	3,006	1,706	...	1,800	3,506	...	25	...	25	
	4,51,401	30,712	2,268	1,71,526	2,12,526	455	2,860	20,103	23,197	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.

Number of insolvencies.	AMOUNTS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	...	...	...	...	...	...	...	...	No schedule filed
2	1,01,078	...	...	...	...	...	...	...	...	
3	...	...	...	...	...	...	...	...	...	This was for final discharge.
4	61,830	781	7,381	...	8,165	...	6,256	...	6,256	
5	...	...	...	...	...	...	...	...	...	This was for final discharge
6	6,802	3,310	...	...	3,310	...	...	...	...	
7	5,300	...	...	3,000	3,000	...	...	...	...	No schedule filed
8	6,055	3,190	...	...	3,190	...	...	...	...	
9	18,800	10,500	...	...	10,500	...	...	...	...	No schedule filed
10	2,905	...	233	...	233	...	33	...	33	
11	...	...	...	...	...	...	...	...	...	No schedule filed
12	55,203	7,202	...	675	7,877	...	...	...	...	
13	4,780	...	...	...	...	...	...	...	...	No schedule filed
14	2,800	575	...	...	575	...	...	...	...	
15	1,603	...	...	...	...	...	...	...	...	No schedule filed
16	8,300	2,000	...	...	2,000	...	...	422	422	
17	1,733	403	...	150	553	...	...	...	...	No schedule filed
18	3,17,841	41,000	...	3,08,110	3,49,110	...	630	...	630	
19	5,593	4,005	...	...	4,005	...	...	8,325	8,325	No schedule filed
20	8,703	...	...	...	...	...	...	...	...	
21	8,00,467	23,302	6,420	2,09,550	2,38,332	2,104	14,800	51,393	68,196	No schedule filed
22	2,800	1,554	...	...	1,554	112	...	...	112	
	14,17,824	98,204	13,071	6,21,404	6,82,702	2,306	20,437	60,080	82,823	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.*

Number of insolventcies.	Liabilities in rupees.	ASSETS AS PER SCHEDULE.				ACTUAL RECOVERIES.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	3,205	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,807	109	...	...	109	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	
6	3,365	...	127	...	127	...	43	...	43	
7	2,641	...	...	...	...	...	...	...	...	
8	2,660	306	...	...	306	...	...	...	...	
9	2,588	170	...	...	170	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,167	7,765	160	...	7,925	13	601	...	674	
15	28,600	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	55,200	...	...	...	...	...	5,157	17,800	22,957	
18	9,879	3,046	935	...	4,081	...	628	...	628	
19	7,047	8,685	112	...	8,797	...	...	...	...	
20	5,266	765	183	...	948	...	420	...	420	
21	17,810	3,620	9,260	...	12,880	1,740	3,830	...	5,588	
22	20,693	2,957	...	7,300	10,257	...	...	5,032	5,032	
23	73,763	71,902	1,318	...	73,220	...	81	...	81	
24	57,947	67,349	2,573	...	69,922	...	1,313	...	1,313	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,66,436	41,420	4,274	2,10,000	2,55,714	...	...	...	...	
26	55,336	50,957	3,624	...	54,581	...	...	...	...	
27	1,84,000	15,000	1,930	1,10,000	1,66,930	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	This case is for final discharge.
29	11,095	...	...	...	...	...	620	...	620	
30	7,731	2,600	...	...	2,600	...	...	...	...	
31	10,950	5,311	141	9,778	15,229	...	616	1,500	2,016	
32	6,540	3,361	418	253	4,032	...	221	...	221	
33	3,491	...	20	...	20	...	...	...	...	
34	27,921	520	...	...	520	...	...	...	...	
35	8,173	269	7,207	14,400	20,467	...	...	...	...	
36	32,303	8,900	772	15,500	25,172	254	209	13,200	13,753	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	...	...	...	
41	3,213	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	2,630	2,400	...	...	...	520	625	
44	14,168	10,923	...	...	10,923	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,401	5,747	180	...	5,927	...	...	...	...	
47	51,913	21,421	...	11,500	33,921	...	...	825	525	
48	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	131	...	131	
49	82,706	...	...	...	...	...	...	...	...	
50	10,03,037	3,12,807	31,710	1,9,320	7,34,867	2,910	11,613	39,782	56,140	

From J. STUART, Esq., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—28-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by Mr. J. C. GILBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the masses and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the masses in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of recasting the law would be satisfactory. The present law does not seem to us to be embryonic, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1818) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinion elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once in progress from our legislation of 1818 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful whether the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be briefly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtor's friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer as in 1870 considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no remedy could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly, but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are heartily prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Court through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 39 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to confer on the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

*Section 3. (1) (e).*—“If execution issued against him has been levied by sale of his property in any civil proceeding in British India.”

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

“That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods.”

*Section 15 (2).*—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

*Section 27*, relating to the discharge of the bankrupt, especially 3 (a), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 18 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

*Section 28*, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immovable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 41.

*Section 34*, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

*Section 18*—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words “in his trade or business” are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 14 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court, but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 has been longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms ‘bankrupt’ and ‘bankruptcy’ will replace ‘insolvent’ and ‘insolvency’.

From E. S. SYKES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 259—3L, dated 15th January, 1886).

WITH reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

#### Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 46 & 47 Vic., cap. 52. With very few alterations the Bill replaces the Statute. To criticize the bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statute which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England and abroad conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1047, dated 7th June, 1885).

IN reply to your letter No. 1045, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwara, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July, 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

From J. R. FITZGERALD, Esq., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 5706, dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding, for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From R. BELCHAMBERS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, Esq., Official Assignee, Calcutta, to Registrar, High Court, Calcutta,—(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law, but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

*Section 3 (1) (d).*—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwaries, who reside in Native States and carry on business in the Presidency-towns by their gumbishtas. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures him or his property, movable or immovable, to be attached or taken in execution."

*Section 3 (1) (e) and (g).*—These clauses are very sweeping; I think they should be modified.

*Section 7.*—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

*Section 9 (2).*—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

*Section 11.*—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditor, whenever he considers such far to may necessary. He should also be empowered to appoint the debtor to be special manager if he could so induce him to consent, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trader not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

*Section 14.*—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

*Section 15 (2).*—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

*Section 16 (9).*—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

*Section 17.*—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

**Section 20.**—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankrupts and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

**Section 20 (6).** If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this subsection will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office during good behaviour and not at the will of the creditors.

**Section 21.**—I think the power to appoint a committee of inspection will be as little need as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose, but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed, the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

**Section 22.**—See my note on section 17, *ante*.

**Section 23.**—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

**Section 24 (1).**—I would add "or of any creditor who has proved his debt" after the word "trustee."

**Section 24 (1) and (a).**—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *beneficially* for the debtor.

**Section 27 (3).**—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 165, in which case it would be unnecessary to repeat them here.

**Section 27 (5).**—When there are creditors residing out of India longer notice than 14 days should be given.

**Section 27 (7).**—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give non-assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

**Section 27.**—Would it not be well to specify who shall take the account—whether the Court or the trustee?

**Section 34 (1) (b) and (c).**—The present Act gives six months' wages, which seems reasonable.

**Section 38 (2).**—The present Act gives Rs. 500 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

**Section 38 (2).**—The concluding words of this clause seem to be unnecessary in India.

**Section 48 (1).**—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

**Section 50.**—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

**Section 51 (2) and (3).**—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two subsections. The words in subsection (1)—"*with all convenient speed*"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

**Section 52 (2).**—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

**Section 57 (1) and (2).**—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

**Sections 59 to 62.**—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 124 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and one is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he has in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court; there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bona fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal procedural officer in each bankruptcy should be invested with very extensive inquisitorial, and even quasi-judicial powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bona fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

**Section 63.**—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 66.—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all money and securities belonging to insolvent estates are deposited in the Bank of England in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guard against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (1).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of undivided estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (2).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72. My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give these matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 91.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 103 (b).—I would omit the words "with the permission of the Court," as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 105.—The following offences, all of which are common in this country, might be added to the list of offences which will render a creditor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to abstain themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to waive, or neglect to present, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 112.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clear.

Section 132 (2).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

Schedule II.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord

Loughborough in 1791, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

*First.*—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pope v. Haste* (11 L. R. 11 Cal.). The defendant, Mr. Haste, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate had been vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufsalah, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

*Second.*—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a trade man comes before the Insolvency Court, to find that his entire asset, or mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of the well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that there were stock-in-trade and outlandings were mortgaged to two creditors, who stopped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage debts. It may safely be assumed that had the mortgages been registered, then, affording the public an opportunity of learning their existence, the firm's creditors would not have obtained such long and extensive credit, and many of the 500 uninsured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

*Third.*—A system of compulsory registration of business-partnerships would also be highly valuable.

*Fourth.*—The system of what are known as *bandan* transactions is one of the most serious difficulties in the administration of insolvent estates, and if any means could be devised of grappling with it successfully, an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 579, dated 27th February, 1886).

IN continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of the Court, as well as a printed copy of a note by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court reserves generally in the observations made by its sub-committee, and that any further exceptions that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

#### Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

WE regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes to which it has been subjected by the Bill required grave consideration, and it has therefore been impossible to reach the object which has been desired.

We have held three general sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is not prepared to be a reproduction of the last English Bankruptcy Act, but also contains certain provisions and methods of procedure and English phraseology, and we had to be very careful in the proposal to reproduce the English Bankruptcy Act with modifications into this country, of not only making sufficient alterations to make it an act of completely up-dating a system to which, from the practice of many years, the Court, the practitioners, and the suitors had become accustomed.

We have come to the general conclusion, that the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand, we think it not probable that the phraseology of the English Act, except where there is strong reason for introducing so, as thereby the citizens in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealt with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to objection. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian Legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given by the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are -

- (1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Ontario creditors;
- (2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;
- (3) the expenses of administration by the creditors would be very large: in the case of the trustee, and in many cases the remuneration of inspectors, would have to be remunerated: the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to be public in looking up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration would, as the Official Assignee is usually a barrister of some standing, in the case of administration by the creditors, no step would be taken without legal assistance, and a well have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845,

3. We think it important that the disciplinary sections of the Procedure Code should cease to apply to the Presidency courts.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvency Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 333 have his property placed under a conservator as soon as he is arrested. The main advantage of proceeding under the Act is that he, as a debtor, is exempted from his financial charge without paying any portion of his debts. There are many other points of difference between the two systems of insolvency, that under the Code being very unsatisfactory to the members of a community like Calcutta.

The disadvantages of having to alter the terms of the licence law and procedure applicable to the same place do not appear in this case. The law has been applied in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, 1 L. R. 11 Case 131, and in the matter of *Lark*, now pending).

4. Where contained in the expression "receiving order" should take the place of the expression "receiving order" in the Act, and that the said officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and a correspondent of another officer with the same official designation but with different powers and duties would be found in every

5. Section 3, which defines the term "insolvent," is added to meet the case of a man carrying on a business by himself, or by his agent or partner, who stops such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defraud or otherwise ceases to depart from his usual place of business within the jurisdiction of the Supreme Court is held to be a trader, and an insolvent, and it is on this ground that most judgments are given.

We do not think that on regular (a) and (c) of subsection (1) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons over 21 years of age, and as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1855) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one or more Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are conferred by the law relating to insolvent debtors in India." By section 5 of the Indian Insolvency Act now in force it is provided that the limits of the town of Calcutta, or who resides within the limits thereof of the Supreme Court at Calcutta, are petitioners for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to afford all European British subjects who reside in Bengal a petition for relief from their creditors, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvency Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta is not partial to local debtors or to debt in the unqualified goods and requirements of the commercial code. We think, therefore, that the present insolvency jurisdiction of the High Court in this respect should not be curbed.

7. We took note in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the receipt of the petition.

In the event of a debtor's refusal to comply with this, as at present, if a *pro rata* sale can be made out on the petition, the trustee should be authorized to sell and his property sold on the Official Assignee at once. Any delay in making the sale if he would hinder a possible increase in assets to the advantage of the debtor's property for his creditors. In order to pay off the debt a proper liquidation it will be well to provide that the debtor may at any time before the liquidation is made and apply to have his adjournment annulled, and that it shall be deemed that the debtor is not a bankrupt. (Don't that the debtor has committed bankruptcy. Section 19, sub-section (1) and (2) of the Act be omitted from the Bill.)

8. Noting that the proposed bill does not adequately provide for *ad interim* protection orders, and therefore we recommend that it be amended to provide for terms similar to the provisions of section 14 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection shall be within the discretion of the Court, and the Court should have power to revoke a protection order at any time.

9. We think that the meaning of "that a majority of the credits in number and value are resident in the United Kingdom or in any other part of His Majesty's dominions beyond the limits of British India" should not give a creditor or other person the right to set aside an application, and we recommend that in section 13 of the Bill the words "in the" should be transposed and placed between the words "the debtor", and the words "other case" later on in the same sentence.

10. With reference to section 15, subsection (1), we think that the statement of affairs should be filed in court, and that a copy should be filed with the Office of the Official Assignee. It is necessary that there should be two copies, and if a declaration of the fact is filed in court it could be taken as the original statement with respect to subsection (1) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 13, subsection (9), should empower the Court at any subsequent stage to reopen the public examination of a debtor to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 21 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 25 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to such property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor who has received relief is granted to him, satisfy the Court, not only that he has no responsibility of the acts specified in the Bill as disentitling him to his discharge, but also that he has been in that discharge honorably and prudently in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 551 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenues" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an application being made on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord could not be entitled after the bankruptcy to levy for more than three months' rent.

21. With reference to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law of present debts, a creditor who procures an attachment before the vesting order is in a better position by reason of the insolvency of his debtor than he would be with it, as he obtains a title preferable to that of the general body of creditors, and other secured creditors who would, under the Code, on obtaining orders for attachment, be entitled to share *pari passu* with him, are prevented by the insolvency from effecting attachments.

23. Section 50 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (1) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to advertisements. The duties, powers, and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bona fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (2) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires attention to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of compensation or remuneration payable to him. We think that, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts, as contemplated by section 82, clause (c), and section 83, clause (c), should be enacted out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (a).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to it if any insolvent proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 84 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (b) and the proviso at the end of section 103 should be struck out.

33. If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that acts of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die under the provisions of bankruptcy proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires attention.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(Signed) A. WILSON.

( " ) J. PIGOT.

( " ) E. J. TREVELYAN.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India Legislative Department,—(dated 30th April, 1886).

My Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I am directed by my Committee, in reply to your No. 1333 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognize the peculiar circumstances of India, or the difficulties which the existing instances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public, and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the Legislature, should not be overlooked, is the practice of exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans this shelter should not be so effectual as in the case of Natives, yet the law ought not to escape the attention of the Legislature that under present circumstances for a Native insolvent to cross from British into Native territory to evade an immunity the certainty of obtaining which is found to encourage reckless speculation on the part of Native and fraudulent traders. The impunity with which a fraudulent Native debtor can secure himself from the claims of his creditors, and in general the confusion of the law, are a considerable drawback from the estates of Native traders. There is no guarantee of the mercantile community in this country for very many years. Indeed, so far back as 1874, the latter found the subject of a reference from the Chief Justice of Calcutta to Mr. John Graham, Chief Justice of the United Provinces. When the Chamber of Commerce met at a session presided at by a complaint, the subject was taken into consideration, and, after a long and arduous session, the Indian High Courts should be empowered to exercise jurisdiction in the jurisdiction of Native States. The matter being which my Committee feel is one that requires the previous sanction of the Government of India, but they see no reason why the Government of India should not refer the subject to the Foreign Office of India, which is competent to give the necessary sanction. The Department should not undertake this task in close connection with the Department of India, and it is to be noted, with the duties of the High Courts in India. The practical improvement in the law of insolvency of India will be the result of a Native trader who has been guilty of fraud, a declaration of property, the setting up of fictitious co-partners, or a wrongful preference of particular creditors, to avoid appearing before a Receiver of the Chamber of Commerce, and in the way it may well happen that improvements in law and procedure will be made, which will be more to the benefit of the mercantile community than any which is left equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a Justice appointed by the creditors the primary authority for admitting a bankrupt estate, whilst the Official Receiver is only to act if the creditors fail to appoint a Receiver.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the manner upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of its being shown that he acted under a mistake or upon information wrongly in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a ordinary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reproaching. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee therefore suggest that it should be a duty on the part of the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtor's affairs. So long as creditors have to attend meetings to be proved without knowledge, to arrive at no result or practically to waste time, so long will they avoid, unless under necessity, attendance at such meetings. Where the amount involved in a bankruptcy is small, the chances of getting together the creditors are small indeed, and in such cases it may be useful to reserve to the Official Receiver power to call a meeting of creditors at his discretion.

The attention of the Committee, in the course of the discussions on the draft Bill has been in various ways strongly drawn to the question of protection against *bendami* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transferee something of a time extension. *Bendami* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before a deed in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *bendami* cases and in the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *bendami* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *bendami* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps out and closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where for







GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 19th MAY, 1886.

GENERAL REMARKS.—Slight rain has fallen in Madras and Mysore, in parts of the Deccan and Southern Mahratta districts of the Bombay Presidency, in some districts of the Punjab and the Central Provinces, in Assam, and in some places in Rajputana and Central India. Heavy falls have taken place in Bengal, the North-Western Provinces and Oudh, and British Burma.

Agricultural prospects continue fair in Madras, in most parts of Mysore, and in Coorg.

Preparations for the *kharif* sowings continue in Bombay, Berar, and the Central Provinces. In Hyderabad, where the *rabi* harvest has commenced, prospects continue favourable.

In the North-Western Provinces and Oudh some injury has been caused to crops by hail, but prospects are on the whole good. The harvest is in progress in the Punjab, and promises well.

In Bengal agricultural operations are generally in progress, and prospects are favourable. More rain is wanted in parts of Assam.

Cholera continues severe in the Chhattisgarh District of the Central Provinces, but elsewhere the public health is generally good.

Prices are fluctuating in the North-Western Provinces and Oudh and in parts of the Punjab, and have fallen slightly in Mysore; elsewhere they remain stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 19th)</b>		
Bellary . . . . .	Average '15	Standing wet crops generally good in parts of two taluks, but water insufficient; harvest paddy, sugarcane, and cotton, yield about average. Cattle-disease in three taluks.
Kurnool . . . . .	Average '07	Harvest second crop paddy almost completed, yield average. Small-pox and cattle-disease in three taluks.
Ganjam . . . . .	Average '54	Fever in two, small-pox in six, cholera in three, and cattle-disease in four taluks. Average number employed on Chilka canal 838.
Kistna . . . . .	Average last week since revised, '10; this week '18.	Slight fever and cholera in seven taluks and one division.
Chingleput (Madras) . . . . .	'35	Standing crops fair, except in parts of one taluk, where withering; harvest paddy and dry grain, outturn below average. Fever and small-pox in one and cattle-disease in two taluks.
Coimbatore . . . . .	Average '80	Standing crops good; harvest paddy and <i>maida</i> , outturn generally above average. Fever in one and small-pox in parts of two taluks.
Tanjore . . . . .	Average last week since revised, '31; this week, '33.	Standing crops good, except in parts of one taluk, where rain is wanted; harvest gingelly and tobacco, outturn below average.
Madura . . . . .	Average last week since revised, '05; this week, '23.	Harvest paddy, yield about average. Small-pox in one taluk.
Malabar . . . . .	Average '45	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in eight, and cholera in three taluks; cattle-disease in one taluk.
Travancore . . . . .	'61	Small-pox and fever in parts.
<b>Bombay—(May 19th)</b>		
Kurrachee . . . . .	Last week at Kotri, '29.	River at Kotri on 17th, 14 feet 3 inches against 11 feet 4 inches on same date last year. <i>Kharif</i> sowings in progress in six talukas; area of <i>rabi</i> 12,811 acres, less than that of previous year; assessment Rs. 27,430, produce 10 annas in rupee; loss due to scarcity of rain. Fever in eight and cattle-disease in three talukas; no fresh case of small-pox, one remaining.
Hyderabad . . . . .	Nil	<i>Rabi</i> harvest almost over in the district, but in some places small patches continue to be trodden; preparations for <i>kharif</i> cultivation in progress in the Tando subdivision, seed is being sown. River at Kotri on 17th, 14 feet 3 inches against 11 feet 4 inches on same date last year. Fever in four, small-pox in one, and cattle-disease in five talukas. Prices of grain steady. Weather cloudy.
Ahmedabad . . . . .	Nil	Weather very hot. Public health good. Wheat 35 and <i>bajri</i> 32 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Baroda . . . .	<i>Nil</i>	Public health good. Cattle-disease in Velarha taluka of Naosari division; small-pox in Naosari town. Standing crops in good condition. <i>Bajri</i> 28, wheat 22, and rice 18 pounds per rupee.
Surat . . . .	<i>Nil</i>	Fever in Mandvi and Bardoli talukas. <i>Juar</i> 38 and <i>nagli</i> 46 pounds per rupee.
Nasik . . . .	Baglaß, '03	<i>Kabi</i> threshing nearly over; land being prepared for the next year's sowing throughout the district. Weather very hot. Public health generally good. Wheat 34, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay) . . . .	<i>Nil</i>	Average abnormal temperature 2° warm; vapour in air excessive; abnormal wind southerly on 15th and 16th, wind normal on all other days; distant lightning on 18th.
Poona . . . .	<i>Nil</i>	Cattle-disease in Junnar and small-pox in Sirur talukas. <i>Bajri</i> 34 and <i>juari</i> 45, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee.
Ahmednagar . . . .	Slight rain in south	Reaping completed. Public health good. <i>Bajri</i> average 48 and <i>juari</i> 60 pounds per rupee.
Sholapur . . . .	'06; Pandharpur, '20	<i>Juar</i> 51 and <i>bajri</i> 44 pounds per rupee.
Dharwar . . . .	'68	Sowing of rice commenced in Mugad and Hanganal; ground being prepared for early crops. Scarcity of drinking-water in Navalgund, Gadag, Karagi, and Kod. Cattle-disease in Kod; public health good. Rice 20 to 30 and <i>juari</i> 43 to 50 pounds per rupee.
Kanara . . . .	<i>Nil</i>	Scarcity of water in Bhatkal and Halihal. Ploughing and manuring for monsoon crops. Cattle-disease in Karwar and Supa; small-pox in Siddapur, Sui, and Yellapur. Common rice at Karwar 14 seers, in district average 13½ seers per rupee. Weather cloudy.
Rajkot . . . .	<i>Nil</i>	Fever in Kori and Sangari. Weather hot and windy. Public health generally good. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 46 pounds per rupee.
<b>Bengal—(May 15th)</b>		
Chittagong . . . .	1'08	Weather variable. Prospects of crops fair. Prices stationary. Public health good.
Dacca . . . .	3'02	Sowing nearly completed; harvesting of <i>boro</i> paddy continues; prospects of the crops good. Public health generally good.
24-Pergunnahs (Calcutta). . . .	5'43	Sugarcane prospects good; lands being prepared for paddy crops. Rain has done much good. Sporadic cholera in Sadr subdivision; public health generally good.
Moorshedabad . . . .	Good rain	Weather cool. <i>Aus</i> paddy being sown; land being prepared for <i>aman</i> paddy; prospects of indigo and sugarcane good. Price of rice stationary. Public health fair.
Rungpore . . . .	1'4	<i>Aus</i> and <i>jute</i> prospects good; <i>cheena</i> and <i>kuon</i> ripe in places. Public health good.
Burdwan . . . .	5'4	Rain has done much good. Ploughing going on everywhere.
Bhagalpur . . . .	0'40	Rain has assisted cultivation and will do good to sugarcane and other crops on ground; more rain wanted. Public health good.
Patna . . . .	0'03	Crops fair; ploughing going on. Public health not very good.
Patna . . . .	1'4	Collection of cotton commence; <i>boro</i> rice promising; sugarcane growing well. Public health good.
Durbianga . . . .	1'55	Rain very useful for purposes of cultivation. Early paddy sowing in progress. Prices stationary. Public health good.
Hazratbagh . . . .	0'03	Weather unsettled and cool. Ploughing in progress; mango and sugarcane doing well. General health good.
Cuttack . . . .	2'05	Weather hot and cloudy. Ploughing in progress; sowing of <i>bañi</i> crops commenced. Price of rice almost unchanged. Public health generally good.
Malnapore . . . .	3'30	Indigo damaged by excessive rain; tillage being actively pressed on. Public health fair.
Khoolna . . . .	4'40	Weather hot. <i>Boro</i> rice harvest over, outturn good; <i>aus</i> paddy being sown. A little cholera and cattle-disease in Satkhira; public health fair.
Dinapore . . . .	3'15	Weather cool; general rain. Cultivation progressing. Cattle-disease in three thanas.
Pubna (Serajgunge) . . . .	2'07	Rain very beneficial. Sowing progressing. Cholera abated.
Czya . . . .	Showers in parts of district.	Sugarcane progressing well. Prices moderate. Public health fair.
Chumparun . . . .	2'11	Rain has facilitated <i>bludoi</i> sowings and done much good to indigo. Prices stationary. Some cases of fever and small-pox reported.
<b>General Remarks.</b> —Good general rain during week in a few districts, where it was slight; more wanted. Agricultural operations now generally in full progress; <i>aus</i> rice and <i>jute</i> already sown in many places, growing well; prospects of sugarcane and indigo favourable; <i>boro</i> rice harvest still proceeding in some districts, with good outturn. Price of rice stationary. General health fair.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N.-W. Provinces and Oudh—(May 19th)</b>		
Benares (May 18th)	50 at Sadr	Weather fine. Supplies ample. Prices slightly fluctuating. Health good.
Gorakhpore ( „ 16th)	250 at Sadr	Threshing nearly completed.
Byzabad ( „ 18th)	Heavy rain throughout the district.	The rain has benefited sugarcane and indigo. Prices steady. Supplies ample. Health of men and cattle good.
Lucknow ( „ 17th)	From 80 to 240; and heavy wind storm on the night of the 12th and 15th; fall of hail also reported in the Sadr and Mahhabad tahsils.	The rain and hailstorm have injured the summer crops to some extent.
Rae Bareilly ( „ „ )	140 on the night of the 15th at Sadr.	Weather cloudy; wind easterly. Markets well stocked. Prices steady. Health good.
Partabgarh ( „ 18th)	Rain throughout the district; 120 on the 16th at Sadr.	Prices stationary. Health of men and cattle good.
Allahabad ( „ „ )	Average 40 in the Doab and Trans-Ganges.	Weather seasonable. Markets amply supplied. Prices show a slight rise. Health generally good.
Cawnpore ( „ 17th)	90 in Cawnpore and Bilhaur.	Weather cool; high winds. Harvesting nearly finished. Prices almost stationary. Condition of people good; foot and mouth disease in Bilhaur.
Farakhabad ( „ 18th)	Storm with heavy rain in Kaimgarh and Chhibraman, on 15th; little rain fell elsewhere.	East wind during the week. Supplies ample. Health of people fair.
Sitapur ( „ „ )	There have been heavy showers at Sidhauri and Mirrikh.	The rain has caused damage to grain and <i>bhuska</i> in grain pits. The wind has been easterly during the week, but the weather is now clear. Prices are steady. Public health good.
Bareilly ( „ „ )	Slight rain varying from 40 to 80 in all tahsils, except Faizpur.	Prices show a tendency to rise. Weather cool; easterly winds.
Banda ( „ 17th)	Constant storms and high winds, and some rain.	Weather abnormally cool. <i>Rabi</i> harvested. Prices falling. Public health good; cattle-disease in two villages.
Kumaon ( „ 18th)	Rain and hailstorms	Weather unsettled. <i>Rabi</i> being reaped; <i>kharif</i> sowing in progress. Prices falling. General health fair; cattle-disease decreasing.
Agra ( „ 17th)	In five parganas 20 to 110 on 16th, and hail in two on same date.	Weather cloudy. Prices show a slight fall. Health good.
Jhansi ( „ „ )	A little rain	<i>Rabi</i> operations completed; lands being manured for <i>kharif</i> cultivation. Prices firm. Public health good; slight cattle-disease.
Ballia ( „ 18th)	Some showers	Weather cool, with strong easterly wind. Harvesting over. Two deaths from cholera reported; general health good.
Meerut ( „ „ )	Rain all over the district from 20 to 120 on the evening of the 15th, when an unprecedentedly severe storm, accompanied by hail, swept over the district from west to east.	The hail storm has done a great damage to mango, tobacco, and melon crops; cane and indigo fortunately too young for injury; some loss of life amongst men and cattle. Prices show a slight tendency to rise, as supplies come in insufficient and limited quantity.
<b>General Remarks.</b> —Heavy rain has fallen throughout the provinces; in a few districts injury has been caused to crops by hail, but prospects are, on the whole, good. Markets are well-supplied, though prices are fluctuating. Public health generally good.		
<b>Punjab—(May 19th)</b>		
Delhi (May 18th)	64	Health good. Prices fluctuating.
Hissar . . .	Nil	Health good. Prices rising.
Umballa . . .	77	Health good. Prices rising. Prospects of current harvest good.
Jullundur . . .	Nil	Health good. Prices stationary. Prospects of current harvest good.
Sialkot . . .	90	Health good. Prices stationary.
Ferozepore . . .	Nil	Health good. Prices stationary.
Lahore . . .	Nil	Health good. Prices almost stationary.
Rawalpindi . . .	10	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . .	Rain throughout the district.	Health good. Prices almost stationary.
Mooltan . . .	Nil	Health good. Prices stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—contd.</b>		
Dera Ismail Khan . . . .	<i>Nil</i>	Small-pox slightly prevalent in city. Prices stationary. Health good. Prices slightly rising. <i>General Remarks.</i> —Rain in five districts. Small-pox slightly prevalent in Dera Ismail Khan city, otherwise health of province good. Prices rising in Hissar, Umballa, and Peshawar districts, stationary in others. Harvest in progress. Hailstorm in Delhi has caused damage to the first crop.
Peshawar . . . . .	<i>Nil</i>	
<b>Central Provinces—</b>		
(May 15th)		
Nagpur . . . . .	<i>Nil</i>	Weather hot and cloudy. <i>Kharif</i> preparations continue. Fever, small-pox, and cattle-disease in places. Prices stationary.
Jubbulpore . . . . .	<i>91</i>	Weather stormy. Health good. Prices easy.
Saugor (May 18th)	<i>Nil</i>	Weather cooler. Fever, small-pox, and cattle-disease continue. Prices fallen in one tahsil.
Seoni . . . . .	<i>30</i>	Weather cloudy and hot. Fields being prepared for <i>kharif</i> sowings. Health good. Prices steady.
Hoshangabad . . . . .	<i>Nil</i>	Weather hot and stormy. Ploughings commenced. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . . .	Slight shower	Weather hot and cloudy, with high winds. <i>Kharif</i> preparations in progress. Health fair. Prices unchanged.
Raipur . . . . .	Slight showers daily	Weather cooler. Lands being prepared for sowings. Cholera continues. Prices steady.
Sambalpur (May 15th)	<i>82</i>	Weather hot and stormy. Sugarcane doing well. Cholera in places. Prices stationary. <i>General Remarks.</i> —Weather cloudy occasionally, with slight showers. Land is being prepared for <i>kharif</i> sowings. Fever and small-pox in places; cholera continues virulent in Chhattisgarh. Prices steady.
<b>British Burma—</b>		
(May 19th)		
Akyab . (May 15th)	<i>Nil</i>	Public health good; cattle healthy.
Bassien . . . . .	<i>Nil</i>	Public health good; cattle healthy.
Rangoon . . . . .	<i>1'32</i>	Total rainfall 7'37. Public health good; cattle healthy.
Amherst (Moulmein) . . . .	<i>4'34</i>	Total rainfall 8'83. Public health good; cattle healthy.
Pegu . . . . .	<i>0'09</i>	Total rainfall 4'64. Public health and health of cattle good.
Henzada . . . . .	<i>1'37</i>	Total rainfall 2'57. Public health good; slight cattle-disease in one township.
Prome . . . . .	<i>6'02</i>	Total rainfall 0'35. Public health good; cattle healthy.
Toungthoo . . . . .	<i>2'28</i>	Total rainfall 5'82. Public health good; cattle healthy.
Thayetmayo . . . . .	<i>0'24</i>	Total rainfall 2'4. Public health good; cattle healthy. <i>General Remarks.</i> —Slight cholera in Thongwa district, elsewhere public health good; cattle-disease in Hanthawaddy and Henzada districts, elsewhere cattle healthy.
<b>Assam—(May 19th)</b>		
Gauhati (May 15th) . . . .	<i>Nil</i>	Weather hot. Cholera diminishing in Sadr station, but still prevalent in the rural area; cattle-disease abating in some mouzahs, but prevalent in others. Planting of sugarcane almost finished; tea doing well, but more rain greatly wanted. State and prospects same as last week.
Sylhet . . . . .	<i>0'11</i>	Weather warm. A severe storm on the night of the 16th instant. Ploughing for <i>asra</i> crops continues. Common rice 14 seers 8½ chittacks per rupee. General health good.
Cachar . . . . .	<i>87</i>	Weather warm; rain wanted. <i>Ahu</i> growing on well; planting of sugarcane commenced. Cholera decreasing in North Lakhimpur. Prospects of crops good. District healthy.
Dibrugarh . . . . .	<i>13</i>	
<b>Mysore and Coorg—</b>		
(May 15th)		
Bangalore . . . . .	17 in Tumkur; slight rain reported in all other districts with the exception of Kadur.	Rain needed in Kadar district. Standing crops fading in parts of the Kolar and Shimoga districts, elsewhere in good condition; prospects of season fair. Supply of fodder diminishing in parts of the Bangalore, Kolar, and Kadur districts. Public health generally good; small-pox prevalent in parts of the Bangalore and Tumkur districts; cattle-disease in parts of the Bangalore, Kolar, and Shimoga districts. Prices slightly fallen in the Kolar and Shimoga districts. The rain has fallen generally, though too late, in some parts for maturing the coffee crop before monsoon rains; the rain was much needed for preparing the ground for the rice crops. Prospects of season fair. Public health good.
Mysore Mercara . . . . .		
<b>Berar and Hyderabad—</b>		
Amraoti (May 19th) . . . .	<i>Nil</i>	Weather hot and windy. Preparation of land for <i>kharif</i> sowings in progress. Wheat 22 and <i>juari</i> 26 seers per rupee.
Akola . . . . .	<i>Nil</i>	Weather hot and cloudy. Preparations for ensuing <i>kharif</i> sowings continue.
Hyderabad . . . . .	<i>21</i>	Total rainfall 59. Reaping of <i>rabi</i> crops commenced. General health fair. Prices—wheat 15, coarse rice 11½, yellow <i>juar</i> 20½, white <i>juar</i> 19½, and <i>tur</i> 16½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States—(May 19th)</b>		
Indore . . . . .	<i>Nil</i>	Weather cloudy and hot, with duststorms.
Morar (Gwalior) . . . . .	17	Weather cloudy and hot.
Sutna . . . . .	27	Weather cool. Health good.
Neemuch . . . . .	<i>Nil</i>	Weather cloudy, with high winds. A few cases of small-pox in the bazar, health otherwise good.
Goona . . . . .	<i>Nil</i>	Weather very hot. Health and prospects good.
Agar . . . . .	<i>Nil</i>	Health and prospects fair.
Nowgong . . . . .	<i>Nil</i>	Weather hot and cloudy. Health fair. Price steady.
Bhopawar (Manpur) . . . . .	<i>Nil</i>	Weather cloudy; mornings cool; signs of rain. Health good. Prices moderate.
<b>Rajputana—(May 19th)</b>		
Abu (May 19th) . . . . .	40	Much thunder yesterday; weather cooler in consequence and seasonable.
Sirohi ( „ 16th) . . . . .	<i>Nil</i>	No water in tanks, wells fair. A few cases of measles, otherwise health good. Weather hot, dry, and calm.
Marwar ( „ 14th) . . . . .	<i>Nil</i>	About four months' water in tanks. Health good. Crops being still gathered. Hot winds. Prices rising.
Kherwara ( „ 16th) . . . . .	<i>Nil</i>	Tanks and wells lower. Crops nearly all stored. Health good. Prices steady. Weather very hot and windy.
Perdabgarh ( „ 15th) . . . . .	48	Tanks and wells drying. Health good. Prices rising. Heat great.
Meywar ( „ „ ) . . . . .	16	Tanks and wells low. Health good. Prices rising. Weather cloudy.
Jhallwar ( „ 14th) . . . . .	<i>Nil</i>	Weather seasonable.
Kotah ( „ 15th) . . . . .	<i>Nil</i>	Health good. Weather hot.
Harouti ( „ „ ) . . . . .	Duststorms and slight rain on 14th.	Weather hot. Health good. Prices steady.
Ajmere ( „ 18th) . . . . .	<i>Nil</i>	Weather hot. Tanks and wells diminishing. Fever, small-pox, and guineaworm still prevalent. Price stationary.
Jeyapore ( „ „ ) . . . . .	<i>Nil</i>	Weather seasonable. Price steady. Health fair.
Ujw ar ( „ „ ) . . . . .	<i>Nil</i>	Wells low. Fever in parts. Price steady.
Bickanir ( „ 15th) . . . . .	<i>Nil</i>	Measles in Bickanir; fever and small-pox in districts. Prices low. Weather very hot. Heavy sandstorms.
<b>Nepal—(May 14th)</b>		
Katmandu . . . . .	184	Prospects good.

No. 90Met.  
12—4

*Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Meteorology),—dated Simla, 20th May, 1886.*

Read the following:—

Summary of the Weather Reports for March and April, 1886.

The early portion of March was characterised by a very low barometric pressure in the Punjab and the adjacent parts of the country, but elsewhere it was not much below the average. Though pressure rose steadily during the latter half of the month, the average of the whole month showed a slight deficiency over the greater portion of India and British Burma. In the North-Western Provinces the variations were irregular, and in Bengal there was a slight excess. In April the pressure was generally very near the average, the variations ranging slightly below the normal in Bombay, Bengal, and Central India, and above it in all the other provinces.

In March damp rain-bearing winds were more frequent than usual throughout the Upper Provinces, and there was a great excess of rainfall over the whole of Northern India. In Sind and Central India also there was a slight excess; but little or no rain fell in any part of the peninsula, and less than the average amount in Ceylon. Snow fell on the lower ranges of the North-Western Himalaya on the 7th and 8th March, and again on 1st April. On the latter date there was a considerable fall of temperature in North-Western India, and the mean temperature at Murree was not less than 10° below the normal. After this, however, the weather cleared, and any further rain was slight, and fell at long intervals. In April there was a general absence of rain. Dry north-west winds continued to blow steadily over the whole of North-Western and Central India as far east as Behar. On the Malabar Coast also the winds were from the north-west, sometimes north; and on the Coromandel Coast from between south and south-west. Except along the Madras Coast and in Lower Bengal, the humidity of the air was much below the average, more especially in Central India and Behar.

In March the temperature was everywhere more or less below the average, the depression being greatest in the Punjab, Rajputana, and Sind, where it ranged between  $2^{\circ}$  and  $4.5^{\circ}$ .

In April the variations from the normal were generally small, and, except in Bombay and Central India, where there was an excess of  $1^{\circ}$  to  $3^{\circ}$ , were everywhere within  $1^{\circ}$  of the average.

The following table shows the amount of rain and the difference from the average during the months of March and April 1886 according to districts as far as is indicated by the telegraphic reports. The first column shows the number of stations used to determine the average for the district:—

Districts.	Number of stations.	Average rainfall in March.	Difference from the average in March 1886.	Average rainfall in April.	Difference from the average in April 1886.
Punjab, west ... ..	7	1.52	+2.81	1.75	—1.04
Punjab, east ... ..	4	1.45	+0.61	1.17	—1.09
North-Western Provinces, trans-Gangetic.	8	1.04	+1.44	0.60	—0.55
North-Western Provinces, cis-Gangetic.	3	0.34	+0.37	0.15	—0.15
Behar ... ..	2	0.36	+0.54	0.62	—0.62
Northern Bengal ... ..	2	1.34	+0.34	2.63	—1.57
Assam, Cachar ... ..	3	4.71	+1.24	9.43	—1.66
Lower Bengal, Chutia Nagpur ...	6	1.42	+3.00	2.79	—1.69
Orissa, Northern Circar ... ..	6	0.65	+1.40	1.11	—1.11
Central Provinces, south ... ..	7	0.11	+0.07	0.33	—0.33
Berar, Khandesh ... ..	2	0.42	—0.42	0.18	—0.18
Rajputana, Central India, Saugor, and Nerbudda.	7	0.18	+0.02	0.12	—0.11
Sind, Cutch ... ..	4	0.17	+0.16	0.19	—0.19
Guzerat ... ..	3	0.04	—0.04	0.03	—0.03
Konkan ... ..	4	0.01	—0.01	0.11	—0.11
Deccan, Hyderabad ... ..	5	0.43	—0.34	0.95	—0.62
Malabar ... ..	4	0.88	—0.85	2.24	—0.76
Mysore, Bellary ... ..	4	1.06	—0.58	1.78	—1.39
Karnatic ... ..	6	0.45	—0.04	1.30	—1.09
British Burma ... ..	6	0.13	+0.11	1.81	—1.72
Ceylon ... ..	1	5.60	—1.72	8.84	—1.60

SIMLA ;  
The 10th April, 1886. }

RUCHI RAM SAHNI,  
2nd Asst. Meteorological Reporter to the Govt. of India.

RESOLUTION.—Resolved that the papers be published in the Supplement to the *Gazette of India*.

## ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF MARCH, 1886.

*No I.—As to Age and Sex.*

	Fiji.				• TOTAL.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years . . . . .	9	12	21	40·87 women to every 100 men.	9	12	21
From 2 to 10 years . . . . .	11	14	25		11	14	25
„ 10 „ 20 „ . . . . .	83	24	107		83	24	107
„ 20 „ 30 „ . . . . .	202	90	292		202	90	292
„ 30 „ 40 „ . . . . .	11	7	18		11	7	18
„ 40 „ 50 „ . . . . .	...	...	...		...	...	...
Above 50 years . . . . .	...	...	...		...	...	...
GRAND TOTAL . . . . .	316	147	463		316	147	463

*No. II.—As to places whence Emigrants come to Calcutta for embarkation.*

	Fiji.			Total.		Grand Total.
Orissa . . . . .	...	...	...	...	...	...
Western Bengal . . . . .	1	1	2	1	1	2
Central ditto . . . . .	3	...	3	3	...	3
Eastern ditto . . . . .	...	...	...	...	...	...
Behar . . . . .	61	47	108	61	47	108
North-Western Provinces . . . . .	125	66	191	125	66	191
Oudh . . . . .	93	27	120	93	27	120
Central India . . . . .	1	...	1	1	...	1
Punjab . . . . .	3	...	3	3	...	3
Nepal . . . . .	26	6	32	26	6	32
Mixed, Madras and Bombay, &c. . . . .	3	...	3	3	...	3
GRAND TOTAL . . . . .	316	147	463	316	147	463

*No. III.—As to Caste and Religion.*

Brahmins, high caste . . . . .	69	34	103	69	34	103
Agriculturist . . . . .	66	26	92	66	26	92
Artisans } Hindus . . . . .	51	24	75	51	24	75
Low castes } . . . . .	79	35	114	79	35	114
Musulmans . . . . .	50	27	77	50	27	77
Christians . . . . .	1	1	2	1	1	2
GRAND TOTAL . . . . .	316	147	463	316	147	463

*Memo.*

	Male.	Female.	Total.
1 Hindus . . . . .	265	119	384
2 Musulmans . . . . .	50	27	77
3 Christians . . . . .	1	1	2
TOTAL . . . . .	316	147	463

C. J. LYALL,  
*Officiating Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. III OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 25TH APRIL 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 24TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 25TH APRIL 1885.		TOTAL RECEIPTS FROM 1ST TO 24TH APRIL 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
1st May 1886	Oudh and Rohilkhand	608	1,44,422	238	680	1,55,494	229	4,76,077	210	5,37,141	230	61,064	...
1st do.	Madras	861	1,19,038	173	801	1,44,057	167	5,11,036	160	4,89,504	160	...	21,532
24th April	South Indian	654	80,373	137	634	1,00,652	163	3,12,004	134	3,41,830	153	29,846	...
1st May	Great Indian Peninsula	1,504	10,88,790	724	1,504	10,58,805	704	35,71,157	665	35,02,145	679	...	69,012
1st do.	Bombay, Baroda and Central India	461	3,23,804	703	461	3,48,000	755	10,70,441	676	11,56,286	731	76,845	...
	<b>TOTAL</b>	4,688	17,05,517	431	4,100	18,13,068	436	50,49,715	407	60,40,926	423	77,211	...
	<i>State.</i>												
1st May 1886	East Indian	1,509	10,40,225	682	1,515	10,09,241	666	36,20,020	673	31,47,153	661	...	1,86,867
24th April	Eastern Bengal	233	83,349	358	234	77,871	333	3,34,314	402	2,72,061	349	...	61,353
1st May	Nathati	27	1,338	49	27	1,707	105	5,720	59	6,707	72	1,041	...
1st do.	Northern Bengal	240	48,021	193	249	43,800	179	1,39,817	154	1,40,100	165	3,343	...
1st do.	Kauma-Dharla	37	3,104	84	37	2,607	72	11,391	80	8,077	61	...	3,384
1st do.	Tahoot	226	26,334	119	240	30,043	122	1,12,553	139	1,13,170	131	617	...
1st do.	Patna-Gya	57	19,478	81	57	13,069	23	30,836	195	48,068	243	8,812	...
1st do.	Cawnpore-Achenera	249	16,314	65	243	22,251	88	59,454	67	7,071	34	13,121	...
1st do.	Dildarnagar Ghazipur	12	1,415	118	12	1,075	140	4,215	98	4,231	103	36	...
1st do.	Rajputana-Malwa	1,411	3,29,344	233	1,411	3,74,000	265	11,39,040	275	12,70,000	403	1,33,960	...
1st do.	Wardha Coal	45	14,500	322	45	19,155	426	4,0394	307	61,838	401	12,464	...
24th April	Nagpur and Chhattisgarh	149	13,463	426	149	60,773	408	1,01,019	366	1,81,302	375	...	13,717
1st May	British Burma	251	53,349	211	377	49,716	152	1,05,516	214	1,11,002	170	...	2,454
8th do.	Sadia	75	7,514	101	75	8,759	117	25,310	100	27,829	109	...	511
8th do.	North-Western	1,803	7,79,081	427	1,803	4,98,705	777	26,83,643	417	18,12,915	203	...	8,70,738
24th do.	Amritsar-Pathankot	66	6,500	95	66	5,330	82	25,507	108	23,833	105	...	1,674
24th April	Bareilly-Pilibhit	30	1,874	52	30	1,845	51	6,000	47	6,033	54	574	...
1st May	Dacca	10	2,725	275	10	3,604	43	7,900	224	13,950	48	5,990	...
24th April	Johtit	23	183	8	30	593	19	1,207	15	2,048	20	841	...
8th May	Cawnpore-Kalpi	...	...	...	42	1,973	47	...	...	8,021	50	8,021	...
	<b>TOTAL</b>	1,966	14,49,441	200	5,185	12,17,630	235	50,39,911	284	47,60,010	240	...	7,64,901
<b>GRAND TOTAL (GUARANTEED AND STATE)</b>		10,559	47,65,163	494	10,880	40,39,935	372	1,19,09,616	387	1,37,37,086	360	...	8,74,557
<b>GROSS ESTIMATED EXPENSES</b>								67,0437	178	70,01,803	188	...	...
<b>NET RECEIPTS</b>								75,89,701	209	67,35,283	151	...	11,59,015
<i>A. Local Companies.</i>													
24th April 1886	Bombay and Central	106	8,830	70	106	10,121	80	40,133	81	31,477	80	...	5,656
24th do.	Bombay and Kanadgaon	67	7,751	116	67	7,645	113	10,128	80	29,310	115	7,183	...
24th do.	A. and S.	78	4,479	54	78	6,135	84	17,048	61	23,058	58	6,010	...
1st May	Eastern Maharashtra	214	1,000	99	316	32,189	102	41,673	53	1,00,072	97	63,099	...
1st do.	Bombay and North-Western	303	24,770	82	303	48,040	159	99,6103	89	1,58,291	153	62,188	...
1st do.	Tatkepur	22	4,029	274	22	6,403	291	55,848	309	55,803	310	45	...
	<b>TOTAL</b>	810	63,018	73	911	1,10,773	121	2,39,333	83	3,73,701	120	1,33,368	...
<i>Native States.</i>													
1st May 1886	Bhavnagar-Gondal	193	29,126	151	193	29,583	153	90,809	132	88,031	133	...	2,788
1st do.	Jodhpore	64	7,887	30	64	4,630	72	9,030	43	11,777	67	4,842	...
24th April	Nizam's	...	(a)	...	...	(a)	...	(b) 51,759	160	(c) 47,039	95	...	3,823
17th do.	Mysore	140	7,780	56	140	8,487	61	29,177	52	26,320	55	349	...
8th May	Rajpura-Patiala	10	1,391	81	10	1,202	75	4,335	77	4,608	85	273	...
	<b>TOTAL</b>	416	49,494	96	413	43,902	161	1,83,130	96	1,81,933	85	...	1,147

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Return not received.

(b) Total receipts from 1st to 18th April 1885.

(c) Total receipts from 1st to 17th April 1886.

SIMLA,

FRED. FIREBRACE, Major, R.E.,

The 19th May, 1886.

Under Secretary.

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND  
REGULATIONS UNDER THE PROVISIONS OF THE ACT OF  
PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 20th May, 1886.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.

His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C.

The Hon'ble C. P. Ilbert, C.S.I., C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

Colonel the Hon'ble W. G. Davies, C.S.I.

INDIAN BANKRUPTCY BILL.

The Hon'ble MR. ILBERT introduced the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir S. Bayley, the Hon'ble Messrs. Evans and Steel, the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Mover. He said:—

“Although I am now nominating the Committee on this Bill, I do not propose that the Committee should begin its sittings until after the Government has returned to Calcutta. But I hope it will be arranged that such further suggestions and criticisms as we may receive will reach us in ample time to allow of their being considered in the Legislative Department before we leave Simla, so that no time may be lost after our return to Calcutta.

“I have already said that the Bill follows generally the arrangement and lines of the English Act, and I will take this opportunity of explaining the most important points of difference between the two measures.

“The Indian Bill is given as extensive an operation, local and personal, as can be conferred on it by this legislature. In order to obtain for it further operation in Her Majesty's dominions beyond India we must go to Parliament: in order to obtain for it further operation in Native States within India we must rely on executive arrangements with the rulers of those States. The Local Governments will, I feel sure, appreciate the importance of considering how far it may be practicable to make and give effect to such arrangements.

“The acts of bankruptcy enumerated in the Indian Bill are not precisely identical with those specified in the English Act. It would not be desirable in India to make the mere levy of execution an act of bankruptcy. On the other hand, it is suggested in some of the papers on the draft Bill that it would be desirable to retain some of the acts of bankruptcy recognized in the existing Indian Act. I have adopted this suggestion, and have also made some further modifications of and additions to the corresponding English section which have been suggested by the working of the Act in England.

“The Court will not ordinarily exercise jurisdiction on a bankruptcy petition unless the debtor is either in prison for debt within the limits of the ordinary original jurisdiction of the Court, or he or his partner resides or has a place of business within those limits. But for the purpose of empowering the Court, in

exceptional cases, to deal with up-country debtors, I have qualified these restrictions by two provisos, of which the first enables the Court to transfer before itself and dispose of under the bankruptcy law any case of indebtedness which may have been brought before an inferior Court under the Insolvency chapter of the Civil Procedure Code; whilst the second empowers the Court in classes of cases to be defined by rules to exercise jurisdiction notwithstanding the restrictions imposed by the earlier part of the section. It will be for the High Courts to consider whether these provisos will suffice to give them the requisite power of dealing with such cases. I have myself some doubt about the necessity for the second proviso. And I do not contemplate that a High Court should, under it, attempt to deal with cases arising outside its own province. If, for instance, the High Court at Calcutta were to exercise jurisdiction in a Cawnpore case, it might bring itself into conflict with the High Court at Allahabad. Should it be found desirable to deal under the bankruptcy law with any classes of indebtedness arising at Cawnpore, probably the most convenient mode of doing so will be to confer on the Allahabad Court a bankruptcy jurisdiction subject to such limitations as may be found expedient. This could be done under section 79 of the Bill.

"It has been suggested that the application of the Insolvency chapter of the Civil Procedure Code to the High Courts of the Presidency-towns should be barred. But it is possible that this chapter may still be needed for cases where the total amount of the debtor's liabilities does not amount to Rs. 500, and I think it will be sufficient to give full power to stay proceedings under the Code where concurrent proceedings are being taken under the Act. Such a power is given by section 9 of the Bill.

"Under ordinary circumstances, where the petition is presented by the debtor, the Court will make an order as a matter of course, but it need not make an order in cases where in its opinion the proceedings ought to have been taken before some other Court having jurisdiction (section 7). Unless this qualification were made, a debtor against whom proceedings have, quite properly, been taken in Calcutta might, to the great inconvenience of his creditors, get himself adjudged bankrupt at Bombay by migrating and petitioning there.

"The order to be made on a bankruptcy petition is in the Bill, as in the English Act, called a receiving order. The effect of a receiving order is not quite the same as that of a vesting order under the existing Indian Act. A receiving order transfers the possession of, but not the property in, the debtor's estate: the debtor is not divested of his estate unless or until he is adjudged bankrupt. An interval was designedly allowed by the English law for the purpose of enabling a debtor to escape the consequences of bankruptcy by making suitable arrangements with his creditors under the control and supervision of the Court; and although the adjudication of bankruptcy may, and in many cases will, follow immediately on the receiving order (see section 20), yet I think it is desirable that we should follow the English law by making it possible for an interval to elapse between the two stages. The person who is constituted receiver under the order, and to whom the possession of the debtor's property is given, is the official assignee, who, however, may appoint a special manager in cases where he thinks it expedient to do so.

"One important effect of a receiving order under the Bill, as now revised, is that the debtor, if in prison for debt, is thereupon released. It might be objected that, inasmuch as an imprisoned debtor can obtain a receiving order on his own petition, this provision nullifies the law of imprisonment for debt. But if the Bill is carefully examined it will be found that this objection is not really valid. The state in which a debtor will find himself on being released from prison under a receiving order will be very far removed from a state of liberty. He will remain at the beck and call of the official assignee, who is invested with inquisitorial powers over his person and property, and on whom he has to dance attendance whenever required (see section 22). If he attempts to escape or evade the requirements of the law, he is liable to be summarily committed to prison. Such a situation, though inconvenient to persons fraudulently disposed, need present no terrors to the debtor who is honestly anxious to assist in the realization and distribution of his estate, and will

give a much better chance to the creditors generally than the present law, under which the debtor usually strikes a bargain with some favoured creditor as to the terms on which he is to obtain immunity from arrest or be released from prison if arrested. Precautions are also taken against allowing the proceedings to slumber after the debtor has obtained the protection given him by a receiving order. The Court has power either to rescind its order (section 88) or to give the carriage of the proceedings to the official assignee (section 91).

"Under the English law the first step consequent on a receiving order is to summon a general meeting of the creditors. Under the Indian Bill such meetings need not be summoned except under directions from the Court or the official assignee or in pursuance of a requisition from a specified proportion of creditors (see section 17, and First Schedule, Rule 4). But the debtor is required to make at once full discovery of his estate and liabilities, and it will be then for the creditors to consider, with the assistance of the official assignee, whether any proposal which the debtor may make for a composition or scheme of arrangement should be entertained, or whether the debtor should not be adjudged bankrupt. The main provisions of the English Act with respect to the public examination of the debtor have been retained, and, although they may involve revelations which are not always pleasant to creditors, I think it is desirable in the interests of justice that they should be retained. We must be very careful against giving facilities to creditors for smothering up doubtful transactions.

"Where a debtor is adjudged bankrupt, his property is thereby vested, not, as under the English Act, in a trustee appointed by the creditors, but in the official assignee, to whom possession will already have been given under the receiving order. If the creditors desire to substitute a special assignee of their own nomination, they must take proceedings for doing so under Part V of the Bill. But it would appear from what has been said by the Calcutta Judges that such proceedings are not likely to be of frequent occurrence.

"The Official Assignee will not be assisted or hampered by any committee of inspection, but he will, as I have already said, be given extensive powers of inquisitorial control over the person and property of the debtor. I agree with Mr. Macgregor that such powers ought to be given, and I think he will find that the provisions of the Bill will be sufficient to remove the risks and impediments which the official assignee experiences in the performance of his duties under the existing law. If section 25 of the Bill is compared with the corresponding section of the English Act, it will be found that I have ventured to confer on the official assignee somewhat larger powers of discovery than are given by the English law.

"The provisions of the Bill with respect to the bankrupt's discharge—by which is meant his discharge from liabilities, not his release from prison—follow closely those of the English Act, with one or two modifications suggested by Indian circumstances. I think that for the purpose of obtaining recognition of our proceedings in other parts of the British dominions it is important that on this point the English and Indian law should be substantially identical.

"I have added to the Bill a Part corresponding to Part II of the English Act, which disqualifies bankrupts for holding certain public offices. Similar disqualifications are already imposed by the several Indian Acts relating to municipal and other local authorities, but I think it is convenient that they should be gathered up and generalized in a Bankruptcy Act.

"In Part III of the English Act, which contains the rules for the administration of the debtor's estate, I have not deviated from the English Act except so far as is necessary for the purpose of meeting the peculiarities of Indian circumstances. Thus, the provisions as to execution are made to square with those of the Civil Procedure Code; the custom of paying rent monthly is recognised by limiting the landlord's right of distraint after bankruptcy to one month's rent; the language of one of the sections is so modified as to allow a debtor to retain, as necessities, not only his clothes, bedding and tools, but the cooking-pot which is so indispensable to an Indian; and the power of attaching salaries and pensions is limited with reference to the provisions of

the Civil Procedure Code and of the Indian Pensions Act. The Calcutta Chamber of Commerce, in a paper which has only reached me within the last week, have renewed a suggestion which was made some years ago that the section relating to reputed ownership should be amended to meet a reported Calcutta case (*Gubbay v. Miller*, I. L. R. 6 Cal. 633). But I agree with the judicial authorities who considered the same suggestion in 1881 that it would be extremely dangerous to meddle with this very difficult clause, and that our safest course is to follow the English law. I am, however, disposed to agree with the Official Assignee at Calcutta that some further provision is required to prevent persons from trading on the credit of property which is in their possession but which does not really belong to them, and that for this purpose it may be desirable to legislate on the lines of the English Bills of Sale Acts, by requiring mortgages of moveable property to be registered, at all events, in certain classes of cases. My chief doubt is as to whether and how far transfers of moveable property should be recognized at all unless accompanied by possession. But in any case such legislation as is required would be most conveniently embodied in an enactment separate from the Bankruptcy Bill, and we are now considering in the Legislative Department what form it should assume.

"Part IV of the Indian Bill contains such of the provisions of Parts IV and V of the English Act as appear applicable to the official who will in almost every case discharge the functions both of the official receiver and of the trustee under that Act. I propose to retain for this official the title of official assignee which he now bears under the Indian Insolvency Act, and which apparently he wishes to continue to bear. I believe that the chief reason why the term 'official assignee' was not used in the last English Bankruptcy Act was that it was not desired to revive certain associations which had gathered round the official assignees appointed under earlier Acts, and it was thought that the official administrator might smell more sweet under another name. I am glad to think that the titles of the existing Indian assignees do not call up similar associations, and to hope that the actions of their predecessors smell sweet and blossom in their dusty surroundings. I have inserted a saving (section 58 (3)) for the rights and interests of the gentlemen now acting as official assignees, and when the Bill is in Committee I dare say that they will help me to see that this saving does all that is required. With respect to the mode in which the official assignee is to keep his accounts and make his payments and investments, I am anxious to make no greater change than is necessary in so much of the existing rules and practice as may have worked well, but it seems to be desirable as a matter of principle that money received on account of bankruptcy estates should, like money received by ordinary Civil Courts, be paid into a Government treasury or into a bank conducting treasury business for the Government, in order that there may be the security of the Government for its safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government with respect to payments from Government treasuries may be brought into operation. In framing the clauses on this subject which I have inserted in the Bill, I have had the assistance of Messrs. Barbour, Westland and Hardie, all of whom are, I believe, of opinion that they will not fetter the official assignee in any unnecessary shackles of red tape.

"I need not dwell on Part V of the Bill, which relates to special assignees, and the provisions of which are not likely to be much used.

"Part VI of the Bill deals with the constitution, procedure and powers of the Courts which are to exercise jurisdiction under this measure. These Courts will be the High Courts of the Presidency-towns, the Recorder's Court at Rangoon, unless that Court is merged in a Chief Court before this Bill comes into operation, and any other Courts on which it may be found convenient to confer bankruptcy jurisdiction. It may possibly be desirable to confer such jurisdiction on the Courts at such places as Allahabad, Lahore or Karachi, and the Bill has been so framed as to admit of the jurisdiction thus conferred being limited to particular classes of cases. Power is given to each of the High Courts at the Presidency-towns to delegate part of the bankruptcy jurisdiction either to a Small Cause Court Judge or to an officer of its own. I understand that the former arrangement is preferred at Madras, and the latter at Calcutta and Bombay.

"Part VII of the Bill, like Part VII of the English Act, enables the provisions of the law to be modified and simplified in the case of small bankruptcies. I have nothing to say about this Part, except that I am inclined to think that the pecuniary limit fixed for small bankruptcies might be raised.

"Part VIII of the Bill, following the English Act, contains stringent provisions for the punishment of fraudulent creditors and debtors. Suggestions have been made for adding to the list of offences dealt with by this Part of the Bill, but I think it will be found that provision has been made either by this Part of the Bill or by the Penal Code for all the offences which need be covered.

"Last of all comes a Part containing supplemental provisions, near the end of which will be found a clause for the distribution of certain unclaimed dividends for which creditors have not proved, and which appear from the note furnished to me by Mr. Turner, the Official Assignee of Bombay, to have been accumulating for some time in the Bombay Insolvency Court, and to amount there to some two lakhs or more. Mr. Turner has also referred in his note to a question which has been raised about the validity of certain rules under which the interest on unclaimed or undistributed assets has been applied towards defraying charges connected with the administration of insolvent estates. But if, and so far as, the validity of those rules is open to question, the doubt can only be set at rest by Parliamentary legislation, which would, I feel sure, be granted if necessary, and accordingly I have not dealt with the point in the present Bill.

"With these explanations, which have necessarily been of a somewhat technical character, I commend the Bill to the favourable consideration of the Council."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### INDIAN MUSEUM BILL.

The Hon'ble SIR S. BAYLEY moved for leave to introduce a Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body. He said:—

"The matter with which this Bill has to deal is, practically, a small executive arrangement, which it becomes necessary to trouble the Council with; because the constitution of the Trustees of the Indian Museum was itself settled in a somewhat elaborate form by an Act of the legislature—XXII of 1876. The special object of this Bill is to give effect to an arrangement which had been come to by the Government of Bengal with the Trustees of the Museum and with the sanction of the Government of India. Apart from the collections in the Indian Museum, the Government of Bengal have for some years been gathering together a valuable Economic Museum, which was considerably assisted by the Revenue and Agricultural Department with a view to the Calcutta Exhibition of two years ago. They have also got an ethnological collection, a collection of Indian Art-ware and a Fine Art collection. These have all been under separate management under the Government of Bengal. There has been a good deal of difficulty in finding for them a proper local habitation and in arranging for their proper maintenance and custody and for their being available to the public. An arrangement has now been come to by the Government of Bengal with the Trustees of the Museum that all these collections shall be brought under the maintenance, control and administration of the Trustees of the Museum. But in order that the wishes of the Government of Bengal with respect to these collections—of which the property remains with them although the administration will be in the hands of the Trustees—in order that the Government of Bengal may have a proper amount of influence in their management, it is necessary that they should be represented on the body of the Trustees.

At present they are not so represented. For this purpose it becomes necessary to alter the number of Trustees at present regulated by the Act of 1876. The Trustees under that Act are sixteen in number; three of them are *ex officio*, namely, the Accountant General, a Secretary to the Government of India, and the Superintendent of the Geological Survey. Five of the Trustees are appointed by the Government of India; five represent the Asiatic Society; and the other three are elected by the general body of the Trustees. That is the present constitution. It will now be altered under the proposed Bill, and the number of Trustees will be twenty-one. Of the *ex officio* Trustees, only one, the Accountant General, will remain; the Government of India will still nominate five; the Asiatic Society will still be represented by five; and the new feature in the case is that the Government of Bengal will nominate five Trustees on its own account, and this united body will elect five additional Trustees to act with them.

"These are the main alterations of the constitution of the Trusteeship.

"The Bill will also enable the Trustees to deal with those collections which will be under their administration, although not their property; and the Bill will also provide for a subsidiary matter, which is that the Trustees shall have the power to make over to the Government of Bengal certain land attached to the Museum, in order that the Government of Bengal may thereon provide the accommodation which becomes necessary to meet the additional responsibilities which the Trustees of the Museum now take upon them."

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES RENT ACT, 1881, AMENDMENT BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881.

#### NORTH-WESTERN PROVINCES LAND-REVENUE ACT, 1873, AMENDMENT BILL.

The Hon'ble MR. ILBERT also presented the Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873.

The Council adjourned to Wednesday, the 2nd June, 1886.

S. HARVEY JAMES,

*Offg. Secretary to the Govt. of India,*

*Legislative Department.*

SIMLA ;  
The 21st May, 1886. }



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 12th May 1886.*

No. 556.—Mr. T. J. J. Mills, Assistant Surveyor, 3rd Grade, Survey of India, is granted privilege leave for two months, under Section 138, Chapter X, of the Civil Leave Code, with effect from 13th instant, or such subsequent date as his services can be spared.

*The 14th May 1886.*

No. 563.—Lieutenant H. M. Jackson, R.E., Officiating Deputy Superintendent, Survey of India, is granted privilege leave for one month, under Sections 71 to 74, Chapter V, of the Civil Leave Code, with effect from the 20th June 1886, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*

*Offg. Surveyor General of India.*

## Statement of the Affairs of the Bank of Bengal for the week ending 18th May 1886.

LIABILITIES.				ASSETS.			
	₹	a.	p.		₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	62,26,203	8	0
Reserve Fund	41,56,684	15	0	Other authorized Investments	47,56,267	8	0
Public Deposits at				Loans on Government and other			
Head Office	1,29,44,825	3	10	authorized Securities	1,15,64,282	12	9
Public Deposits at				Accounts of Credit on Government			
Branches	1,24,52,515	14	2	and other authorized Securities	82,22,896	4	3
Other Deposits at Head Office and				Bills discounted and purchased	2,36,64,971	5	6
Branches	2,88,26,497	12	9	Balances with other Banks	9,80,101	6	7
Bank Post Bills, &c.	3,13,511	7	11	Bullion	19,742	3	1
Sundries	18,46,349	6	2	Dead Stock	11,40,538	2	6
				Stamps	8,673	14	0
				Sundries	6,52,667	15	3
					5,72,36,344	15	11
				Cash and Cur-			
				rency Notes at	₹	a.	p.
				Head Office	1,10,20,567	4	3
				Cash and Cur-			
				rency Notes at			
				Branches	1,22,83,472	7	8
					2,33,04,039	11	11
RUPERS	8,05,40,384	11	10	RUPERS	8,05,40,384	11	10

BANK OF BENGALE,  
Calcutta, 20th May 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 4 1/3.

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

## ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have passed the Honours in Medicine Examination:—

## SURGERY.

Barat, Surendranath . . . . . Medical College.

## MIDWIFERY.

## In Order of Merit.

- 1 Bandyopadhyay, Trailokyanath . . . . . Medical College.
- 2 Ghatak, Annadiprasanna . . . . . Ditto.
- 3 Nallatamby, C W . . . . . Ditto.

SENATE HOUSE,  
The 11th May 1886.

The undermentioned candidates have passed the First Examination in Arts:—

## FIRST DIVISION.

## In Order of Merit.

- 1 Majumdar, Upendralal . . . . . Presidency College.
- 2 Brij Nandan Prasad Saith . . . . . Muir Central College.
- 3 Bhattacharyya, Munindranath . . . . . Presidency College.
- 4 Bandyopadhyay, Rakhalmohan . . . . . Sanskrit College.
- 5 Ghosh, Jogindrakumar . . . . . Dacca College.
- 6 Chattopadhyay, Rakhaldas . . . . . Krishnagar College.
- 7 Mitra, Narendrakumar . . . . . Presidency College.
- 8 Datta, Hirendranath . . . . . Ditto.
- 9 Sen, Ambikaprasad . . . . . Dacca College.
- 10 Bandyopadhyay, Haranuchandra, No. 1. . . . . Presidency College.
- 11 { Datta, Pramathanath . . . . . Ditto.
- { Bal, Sureschandra . . . . . Dacca College.
- 12 { Gangopadhyay, Herambakisor . . . . . Ditto.
- { Sen, Gopibhushan . . . . . Hughli College.
- 13 { Mallik, Debendranath . . . . . St. Xavier's College.
- 14 { Bhattacharyya, Hariprada . . . . . Metropolitan Institution.
- 15 { Mukhopadhyay, Jogindranath . . . . . Free Church Institution, Calcutta.
- 16 { Mianbhair Abdul Hussain . . . . . Jabbalpur College.
- 17 { Isha, Syamal . . . . . Free Church Institution, Calcutta.
- 18 { Do, Chintaharan . . . . . Dacca College.
- 19 { Mitra, Adharachandra . . . . . Muir Central College.
- 20 { Chakrabarti, Srischandra . . . . . Dacca College.
- 21 { Chaudhuri, Kunjamohan . . . . . Rajshahye College.
- 22 { Datta, Bankubihari . . . . . Metropolitan Institution.
- 23 { Sen, Mohitachandra . . . . . Ditto.
- 24 { Chattopadhyay, Phakirchandra . . . . . General Assembly's Institution.
- 25 { Mulhopadhyay, Syamadas . . . . . Hughli College.
- 26 { Ray, Debiprasad . . . . . Jabbalpur College.
- 27 { " Mahendranath . . . . . St. Xavier's College.
- 28 { Chaudhuri, Saradacharan . . . . . Chittagong College.
- 29 { Mulhar Narayan Korday . . . . . Free Church Institution, Nagpur.
- 30 { Sen, Binayendranath . . . . . Albert College.
- 31 { Chakrabarti, Charuchandra . . . . . St. Xavier's College.

34	{ Set, Nibaranchandra	...	General Assembly's Institution.
	{ Datta, Harischandra	...	Ravenshaw College, Katak.
36	Chattopadhyay, Rajanimohan	...	Metropolitan Institution.
37	Das, Abinaschandra	...	Patna College.
	{ Biswas, Kshirodkrishna	...	Presidency College.
38	{ Pandit, Akshaykumar	...	Hughli College.
	{ Bhattacharyya, Srigopal	...	Ravenshaw College, Katak.
41	Dover, R. W.	...	La Martinière College.
42	Sen, Akshaykumar	...	Dacca College
43	Chattopadhyay, Susilohandra	...	General Assembly's Institution.
	{ Mukhopadhyay, Nandagopal	...	St. Xavier's College.
44	{ Amrit Ranchandra Bambawale	...	Jabalpur College.
	{ Abdal Hamid	...	Doveton College.
	{ Gopal Ji	...	Patna College.
47	{ Babonau, C. Jane	...	Doveton College.
	{ Bandyopadhyay, Amulyachandra	...	Free Church Institution, Calcutta.
50	" Nibaranchandra	...	Hughli College.
51	Datta, Saratchandra	...	Patna College.
52	Bhattacharyya, Basantakumar	...	Ripon College.
53	{ Sen, Harendranath	...	Dacca College.
	{ Bandyopadhyay, Lalitkumar	...	St. Xavier's College.
55	Ray, Baradakanta	...	Metropolitan Institution.
56	Das, Jadabendranandan	...	Midnapur College.
57	{ Adhikari, Gopeschandra	...	Free Church Institution, Calcutta.
	{ Bhattacharyya, Naudalal	...	Hughli College.
58	Kesho Das	...	Muir Central College.
60	Baksi, Panchanan	...	Krishnagar College.
61	Pal, Harischandra	...	L. M. S. Institution, Bhowanipur.
62	Mallik, Prasaddas	...	Hughli College.
	{ Lisle, Freda	...	Girls' High School, Allahabad.
63	{ Khan, Saratchandra	...	General Assembly's Institution.
	{ Chakrabarti, Indubhushan	...	Ditto.
	{ Gupta, Jnanendranath	...	Metropolitan Institution.
67	Abbasali Sirdar	...	Hughli College.

## SECOND DIVISION.

*In Alphabetical Order.*

	Ahmed Ullah	...	Hughli College.
	Ali Hasan	...	Patna College.
	Anant Lal	...	Muir Central College.
	Anup Singh	...	Bareilly College.
	Azad Ali	...	Dacca College.
	Bagchi, Brajanath	...	City College.
	" Kailaschandra	...	Rajshahy College.
	Bagram, G.	...	St. Xavier's College.
	Balkrishna Ramohandra Bakhale	...	Jabalpur College.
10	Bandyopadhyay, Abinaschandra	...	Patna College.
	" Atulkrishna	...	St. Xavier's College.
	" Baranasi	...	Sanskrit College.
	" Harimohan	...	M. A. O. College, Aligarh.
	" Jyotindranath	...	Metropolitan Institution.
	" Jyotischandra	...	Ditto.
	" Manmohan	...	Presidency College.
	" Matilal	...	Metropolitan Institution.
	" Nibaranchandra	...	Dacca College.
	" Nilratan	...	Hughli College.
20	" Parbaticharan	...	Dacca College.
	" Raghunath	...	Hughli College.
	" Rasbihari	...	Ripon College.
	" Saradaprasad	...	St. Xavier's College.
	" Sasikumar	...	Jagannath College.
	" Satischandra	...	Ditto.
	" Sibnarayan	...	Free Church Institution, Calcutta.
	" Taranath	...	Metropolitan Institution.
	" Tinkari	...	Ditto.
	Barna, Kshetranath	...	Burdwan Raj College.
30	Basak, Radhaballabh	...	Jagannath College.
	Basu, Baikunthanath	...	Metropolitan Institution.
	" Brajendrakumar	...	Berhampur College.
	" Girischandra	...	Ripon College.
	" Gobindachandra	...	Ditto.

	Basu, Hariprasad	...	Metropolitan Institution.
	„ Jyotindranath	...	Presidency College.
	„ Nityananda	...	Metropolitan Institution.
	„ Nripendranath	...	St. Xavier's College.
	Basudeva Narayen	...	L. M. College, Benares.
40	Belletty, L.	...	St. Xavier's College.
	Bera, Jayhari	...	Ripon College.
	Bhaduri, Indubhushan	...	Metropolitan Institution
	Bhagabandasa, Bhargaba	...	Muir Central College.
	Bhanja, Srischandra	...	L. M. S. Institution, Bhowanipur.
	Bhattacharyya, Biharilal	...	Free Church Institution, Calcutta.
	„ Biswanath	...	Metropolitan Institution.
	„ Jananranjan	...	Krishnagar College.
	„ Kartikchandr	...	General Assembly's Institution.
	„ Nandalal	...	City College.
50	„ Saratchandra	...	Rajshahye College.
	„ Surendranath	...	Burdwan Raj College.
	Bhaumik, Hemchandra	...	General Assembly's Institution.
	„ Maheschandra	...	City College.
	Biswas, Gopalchandra	...	Metropolitan Institution.
	„ Lalitkrishna	...	St. Xavier's College.
	„ Saratchandra	...	Free Church Institution, Calcutta.
	„ Taraprasad	...	Jagannath College.
	Blanchett, H.	...	Muir Central College.
	Bose, Bindubashini	...	Free Church Normal School.
60	Bremner, D. S.	...	La Martinière College.
	Cameron, Florence	...	Allahabad Girls' High School.
	Chakrabarti, Benimadhab	...	Krishnagar College.
	„ Brajendrakumar	...	L. M. S. Institution, Bhowanipur.
	„ Chandrakumar	...	Jagannath College.
	„ Girischandra	...	Midnapur College.
	„ Mahendranarayan	...	Metropolitan Institution.
	„ Rajanikanta	...	Chittagong College.
	„ Rajanikanta	...	Dacca College.
	„ Rasikbihari	...	Ditto.
70	„ Tarakeswar	...	Rajshahye College.
	Chandra, Rasmohan	...	Ditto.
	Chattopadhyay, Annadacharan	...	Metropolitan Institution.
	„ Asutosh	...	Ripon College.
	„ Bhupatibhushan	...	Metropolitan Institution.
	„ Binodbihari	...	L. M. S. Institution, Bhowanipur.
	„ Girijabhushan	...	Free Church Institution, Calcutta.
	„ Homchandra	...	Metropolitan Institution.
	„ Jogeschandra	...	Hughli College.
	„ Mathuranath	...	Dacca College.
80	„ Radhanath	...	Sanskrit College.
	„ Rajendranath	...	Metropolitan Institution.
	„ Rakhalechandra	...	Burdwan Raj College.
	Chauhe, Devakinandan	...	Agra College.
	Chaudhuri, Annadacharan	...	Chittagong College.
	„ Brindabanchandra	...	Free Church Institution, Calcutta.
	„ Kedarnath	...	Metropolitan Institution.
	„ Satisnarayan	...	Rajshahye College.
	„ Rakhaldas	...	Metropolitan Institution.
	Das, Jnanadaprasad	...	Jagannath College.
90	„ Kandarpakumar	...	City College.
	„ Krishnadhan	...	Metropolitan Institution.
	„ Nagendrachandra	...	Ditto.
	„ Radhamohan	...	Dacca College.
	Dasgupta, Jagneswar	...	Ditto.
	Datta, Binaykrishna	...	St. Xavier's College.
	„ Chandieharan	...	Hughli College.
	„ Girischandra	...	Rajshahye College.
	„ Gobindakisor	...	Ripon College.
	„ Jnanendramohan	...	Patna College.
100	„ Nabinkrishna	...	Metropolitan Institution.
	„ Sasibhushan	...	St. Xavier's College.
	„ Surendranath	...	Burdwan Raj College.
	De Kailaschandra	...	Metropolitan Institution.
	„ Nilmani	...	Free Church Institution, Calcutta.
	„ Sureschandra	...	Metropolitan Institution.
	„ Tulsicharan	...	Ditto.

	Deb, Gobindachandra	...	Patna College.
	,, Mahendrachandra	...	Dacca College.
	Deefholts, L. J.	...	St. Xavier's College
110	Dhar, Gopalchandra	...	General Assembly's Institution.
	,, Haridas	...	Presidency College.
	Dharmakirti, J. A.	...	Trinity College, Kandy.
	Din Dyal	...	M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	...	St. Xavier's College.
	Gangadhar Sitaram Brahmaraakshas	...	Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	...	Hughli College.
	,, Kaliprasanna	...	Ditto.
	Ghosh. Abinashchandra	...	Ravenshaw College, Katak.
120	,, Basantakumar	...	General Assembly's Institution.
	,, Bipinbihari	...	Rajshahye College.
	,, Bipinbihari	...	Midnapur College.
	,, Dharmadas	...	Metropolitan Institution.
	,, Haridas	...	Hughli College.
	,, Harigopal	...	L. M. S. Institution, Bhowanipur.
	,, Jaygopal	...	Ditto ditto.
	,, Kripanath	...	Jagannath College.
	,, Lalitmohan	...	Free Church Institution, Calcutta.
	,, Narayandas	...	L. M. S. Institution, Bhowanipur.
130	,, Nityananda	...	Patna College.
	,, Saratchandra	...	Metropolitan Institution.
	,, Sasibhushan	...	Ravenshaw College, Katak.
	,, Satischandra	...	Presidency College.
	,, Satischandra	...	Patna College.
	,, Sitanath	...	City College.
	,, Taraohand	...	Metropolitan Institution.
	,, Taraknath	...	Ripon College.
	,, Umeschandra	...	Ditto.
	Ghoshal, Bindobihari	...	Presidency College.
	,, Manmohan	...	Free Church Institution, Calcutta
140	Gopal Mukund Damlay	...	Jabalpur College.
	Goswami Jagadisachandra	...	Agra College.
	Guha, Biharilal	...	City College.
	,, Chandrakanata	...	Jagannath College.
	,, Ramchandra	...	Albert College.
	,, Umapasanna	...	St. Xavier's College.
	Gun, Taraknath	...	Dacca College.
	Gupta, Dwijendranath	...	Hughli College.
	,, Jagueswar	...	Jagannath College.
150	Hajra, Amritlal	...	Metropolitan Institution.
	Har Bilas	...	Ajmore Government College.
	Hiralal	...	Jabalpur College.
	Jaygobinda Sahay	...	Patna College.
	Jha, Bindhyanath	...	Benares College.
	Kar, Pramathachandra	...	Presidency College.
	Kastagiri, Hemendralal	...	Ditto.
	Kumar, Nrityagopal	...	Ditto.
	Kundu, Gopikrishna	...	Metropolitan Institution.
	,, Tarinicharan	...	City College.
160	Kshatriya, Bhairablal	...	Presidency College.
	Lahiri, Banamchandra	...	Rajshahye College
	,, Kalidas	...	Metropolitan Institution.
	,, Mohinimohan	...	City College.
	Lakshman Panditji	...	Free Church Institution, Nagpur.
	Mahadeo Gopal Borgaonkar	...	Jabalpur College.
	Mahanti, Narayanprasad	...	Teacher.
	Maitra, Haridas	...	Presidency College.
	,, Ramchandra	...	Krishnagar College.
	,, Syamacharan	...	Metropolitan Institution.
170	Majumdar, Asutosh	...	Rajshahye College.
	,, Banamali	...	Metropolitan Institution.
	,, Harinath	...	Ripon College.
	,, Kshetragopal	...	Krishnagar College.
	Mallik, Amritakrishna	...	General Assembly's Institution.
	Mandal, Krittibas	...	Ripon College.
	Manley, H. F.	...	Teacher.
	Maula Baksh	...	Ditto.
	M. Farhat Ahmed	...	M. A. O. College, Aligarh.
	Misra, Bhubaneswar	...	Rajshahye College.
	,, Kanhaiya Lal	...	Bareilly College.

180	Mitra, Bijaykesab	... Metropolitan Institution.
	„ Gopalchandra	... Ditto.
	„ Jadunath	... Canning College.
	„ Jugalkisor	... St. Xavier's College.
	„ Jyotindralal	... Hughli College.
	„ Jyotishchandra	... Metropolitan Institution.
	„ Kshetranath	... Presidency College.
	„ Kumudbihari	... Metropolitan Institution.
	„ Narendranath	... Presidency College.
	„ Nareschandra	... City College.
190	„ Saratchandra	... Ditto.
	„ Upendramohan	... General Assembly's Institution.
	Mohan Lal	... Teacher.
	Monng Ohu Hpay	... Rangoon College.
	Muhammad Abdul Rafay Khan	... Bareilly College.
	Muhammad Hasan	... Dacca College.
	Mukhopadhyay, Amritasekhar	... Berhampur College.
	„ Asutosh	... Metropolitan Institution.
	„ Atulchandra	... Patna College.
	„ Gopalchandra	... Hughli College.
200	„ Harihar	... City College.
	„ Jaykrishna	... Metropolitan Institution.
	„ Jogindrachandra	... Hughli College.
	„ Jogindranath	... Burdwan Raj College.
	„ Kedarnath	... Hughli College.
	„ Kshetrachandra	... Presidency College.
	„ Nalinikanta	... Free Church Institution, Calcutta.
	„ Nilratna	... Burdwan Raj College.
	„ Tinkari	... Ditto ditto.
	„ Tulsidas	... St. Xavier's College.
210	„ Upendrachandra	... Jaganath College.
	Nag, Dakshinakumar	... City College.
	Nath, Anritlal	... Ditto.
	Ohdedar, Debendranath	... Muir Central College.
	Oliur Rahman	... Dacca College.
	Pal, Anantalal	... Free Church Institution, Calcutta.
	„ Annandaprasad	... Metropolitan Institution.
	„ Dwarkanath	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipur.
	„ Surathnath	... Bishop's College.
220	Panda Baijnath Deoshanker	... Jabbalpur College.
	Pandit, Biswambharnath	... Presidency College.
	„ Kashinath Ganjur	... Canning College.
	Pathak, Chandrakanta	... City College.
	Poddur, Bipinbihari	... Ditto.
	Ponsonby, P.	... St. Thomas College, Colombo.
	Po Thoug	... Rangoon College.
	Raghunath Prasad Sonar	... Jabbalpur College.
	Routh, Jagatchandra	... Dacca College.
	Ray, Indukumar	... Krishnagar College.
230	„ Jadubanda	... Rajshahye College.
	„ Jadunath	... Hughli College.
	„ Madhusudan	... Rajshahye College.
	„ Mahendralal	... Dacca College.
	„ Mohinimohan	... St. Xavier's College.
	„ Mahimchandra	... Ripon College.
	„ Nanimadhab	... Patna College.
	„ Prasannakumar	... Ditto.
	„ Saradaprasad	... Krishnagar College.
	„ Satishchandra	... Ditto.
240	„ Satishchandra	... Dacca College.
	„ Satyendranath	... Metropolitan Institution.
	„ Umacharan	... St. Xavier's College.
	„ Upendranath	... Free Church Institution, Calcutta.
	Raymaulik, Binodbihari	... Dacca College.
	„ Priyabhushan	... Ditto.
	Rebeiro, E.	... St. Xavier's College.
	Saha, Jogindralal	... Metropolitan Institution.
	Sanyal, Chandranath	... Rajshahye College.
	„ Piyaarilal	... Ditto ditto.
250	Sarkar, Durgunath	... Sanskrit College.
	„ Krishnasundar	... General Assembly's Institution.
	„ Nagendranath	... Metropolitan Institution.

	Sarkar, Radhikaprasad	...	Ripon College.
	Sarma, Bishenlal	...	Agra College.
	" Kamalchandra	...	Metropolitan Institution.
	Sayyed Anlad Hosein	...	M. A. O. College, Aligarh.
	Sen, Bipinbihari	...	L. M. S. Institution, Bhowanipur.
	" Bishnupada	...	Free Church Institution, Calcutta.
	" Biswanath	...	Canning College.
260	" Gangaprasanna	...	Jagannath College.
	" Hemchandra	...	City College.
	" Jagadindrachandra	...	L. M. College, Benares.
	" Jnanendrakumar	...	L. M. S. Institution, Bhowanipur.
	" Kaliprasanna	...	Rajshahye College.
	" Nibaranchandra	...	Metropolitan Institution.
	" Narottamdas	...	Ditto ditto.
	" Praphullanath	...	Ditto ditto.
	" Puruananda	...	L. M. College, Benares.
	" Saratchandra	...	L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	...	Metropolitan Institution.
	" Radheschandra	...	Rajshahye College.
	Sheo Prasada	...	Fyzabad High School.
	Shivaam Sadashiva Pitambar	...	Jabalpur College
	Shore, J.	...	St. George's College, Mussoorie.
	Shum Suzzoha	...	Patna College.
	Siddha Gopal	...	L. M. College, Benares.
	Sil, Narayanprasad	...	Presidency College
	" Rasik Lal	...	Free Church Institution, Calcutta.
	Sinha, Kumar Kumadchandra	...	Presidency College.
280	" Manindralal	...	St. Xavier's College.
	" Mathuranath	...	Metropolitan Institution.
	" Matilal	...	Burdwan Raj College.
	" Nurigopal	...	Midnapur College.
	" Taraknath	...	City College.
	Singh, Shivanath	...	Patna College.
	Strange, H. R. W.	...	Doveton College.
	Syed Ahmed Ali	...	Patna College.
	Syed Golam Burwash	...	Ditto.
	Syed Mahmud Al Hasan	...	Agra College.
290	Thomas, E. H.	...	St. John's College, Agra
	Tiwari, Ambikacharan	...	Fyzabad High School.
	Trivedi, Ayodhya Prasad	...	Barcilly College.
	Ud., Ambikacharan	...	Ripon College

## THIRD DIVISION.

*In Alphabetical Order.*

	Abu Said	...	Patna College.
	Abul Mahmud	...	Calcutta Madrasa.
	Adhikari, Aghornath	...	General Assembly's Institution
	" Satkari	...	Berhampur College.
	Afzal Hossein	...	Muir Central College
	Aich, Ramaprasad	...	Burdwan Raj College.
	Akbar Hossain	...	Teacher.
	Anup Narayan	...	Patna College.
	Ashut Ullah	...	Jabalpur College.
10	Ashurfee Lal	...	Agra College.
	Bagchi, Durgadas	...	Metropolitan Institution
	" Manaranjan	...	Burdwan Raj College
	Baliram Anant Deshkar	...	Free Church Institution, Nagpur
	Baliram Naryan Deshmukh	...	Ditto.
	Bahram Das	...	Muir Central College.
	Banarsi Das	...	M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	...	Hughli College.
	" Amritlal	...	Ripon College.
	" Aswinikumar	...	Dacca College.
20	" Busantakumar	...	Free Church Institution, Calcutta.
	" Bijaychandra	...	Dacca College.
	" Charuchandra	...	Free Church Institution, Calcutta.
	" Dibakar	...	Ditto
	" Haranachandra, No. II	...	Presidency College.
	" Haripada	...	Ripon College.
	" Harendramohan	...	Jagannath College.
	" Jogindrachandra	...	Free Church Institution, Calcutta
	" Kalidas	...	Krishnagar College.

	Bandyopadhyay, Kalidas	...	Sanskrit College.
30	" Kesablal	...	Dacca College.
	" Kisorimohan	...	Metropolitan Institution.
	" Kshitischandra	...	Berhampur College.
	" Lalitmohan	...	St. Xavier's College.
	" Rakhalidas	...	Rajshahye College.
	" Ramchandra	...	City College.
	" Saratchandra	...	Ripon College.
	" Saratkumar	...	Ditto.
	" Surendranath	...	Berhampur College.
	" Sureschandra	...	Canning College.
40	" Upendranath	...	Free Church Institution, Calcutta.
	Basak, Biharilal	...	Dacca College.
	Basu, Amritlal,	...	Ripon College.
	" Baburam	...	Burdwan Raj College.
	" Bankubihari	...	Presidency College.
	" Baradaprasad	...	General Assembly's Institution.
	" Bhubaneswar	...	Metropolitan Institution.
	" Bidhubhushan	...	General Assembly's Institution.
	" Chandrakanta	...	Dacca College.
	" Dwijendranath	...	Berhampur College.
50	" Hirilal	...	Metropolitan Institution.
	" Jogindranath, No. I	...	Ripon College.
	" Kunjabihari	...	Canning College
	" Mahendranath	...	Metropolitan Institution.
	" Manmathanath	...	Ditto.
	" Nibaranachandra	...	Midnapur College.
	" Pannalal	...	Ripon College.
	" Pramodakumar	...	Metropolitan Institution.
	" Purnachandra, No. II	...	Ditto.
	" Sitaram	...	Teacher.
60	Bhaduri, Saratchandra	...	Muir Central College.
	Bhar, Kanailal	...	General Assembly's Institution.
	" Purnachandra	...	Ripon College.
	Bhairo Dyal	...	Patna College.
	Bhaskar Rao	...	Free Church Institution, Nagpur.
	Bhattacharyya, Bholanath	...	Sanskrit College.
	" Bipinbihari	...	Metropolitan Institution.
	" Chandroday	...	Albert College.
	" Debendranath	...	Patna College.
	" Ramakshay	...	Burdwan Raj College.
70	" Ramprasanna	...	Canning College.
	" Saratkumar	...	St. Xavier's College.
	" Sibunath	...	Teacher.
	Bhikkan Lal	...	Bareilly College.
	Bhunja, Radhakrishna	...	Metropolitan Institution.
	Bindeshwari Prasad Pande	...	Muir Central College.
	Bishwambhar Dayal	...	Canning College.
	Biswas, Nilaschandra	...	Burdwan Raj College.
	" Kamikshyanath	...	Metropolitan Institution
	" Kasigopal	...	Jagannath College.
80	" Rajanikanta	...	Krishnagar College.
	Blanchett, E. P.	...	Muir Central College.
	Chakrabarti, Durgadas	...	Hughli College.
	" Hridaynath	...	Free Church Institution, Calcutta
	" Jaykali	...	Ditto.
	" Kasinath	...	Burdwan Raj College.
	" Rajaninath	...	Jagannath College.
	" Ramkamal	...	General Assembly's Institution
	" Srischandra	...	Canning College.
	Chandra, Banamali	...	Midnapur College.
90	" Rajchandra	...	Presidency College.
	Changdar, Sasikisor	...	Rajshahye College.
	Chhatradhari Lal	...	Patna College.
	Chattopadhyay, Annadacharan	...	General Assembly's Institution.
	" Atulchandra	...	Ripon College
	" Binaykrishna	...	Free Church Institution, Calcutta
	" Girishchandra	...	Ditto.
	" Gurudas	...	Albert College.
	" Haridas	...	General Assembly's Institution.
	" Harinath	...	Free Church Institution, Calcutta
100	" Haripada	...	Krishnagar College.

	Chattopadhyay, Jitendraprasad	.. Krishnagar College.
	" Kanailal	... Presidency College.
	" Kshetranath	... Burdwan Raj College.
	" Nagendranath	... Ripon College.
	" Nilkanta	... Albert College.
	" Purnachandra	... Teacher.
	" Purnananda	... Ravenshaw College.
	" Santoshkumar	... Metropolitan Institution.
110	" Satkari	... L. M. S. Institution, Bhowanipur.
	" Satyacharan	... Hughli College.
	" Satyendranath	... City College.
	" Sitamath	... Jagannath College.
	Chandhuri, Agnikumar	.. Ditto.
	" Akhilechandra	... Burdwan Raj College.
	" Benimadhab	... Albert College.
	" Harinath	... L. M. S. Institution, Bhowanipur.
	" Jogindranath	... Free Church Institution, Calcutta.
	" Madammohan	... Burdwan Raj College.
120	" Maheshchandra	... Ripon College.
	" Mangobinda	... Hughli College.
	" Pramadhnath	... Berhampur College.
	" Pratapchandra	... Jagannath College.
	" Purnachandra	... Dacca College.
	" Rameshchandra	... General Assembly's Institution.
	" Saratchandra	... Hughli College.
	" Sasikumar	... Ripon College.
	" Sitalechandra	... Ditto
	" Surendranath	... Metropolitan Institution.
130	Clarke, A. J.	.. Muir Central College.
	Dana, Nibaranachandra	... Burdwan Raj College.
	Das, Anulyacharan	.. Albert College.
	" Annadacharan	... General Assembly's Institution.
	" Basantkumar	... Hughli College
	" Bhagabanchandra	... Ripon College.
	" Biswambharcharan	.. Metropolitan Institution.
	" Dutiram	... City College
	" Gobindachandra	... Metropolitan Institution.
	" Harendranath	... Ditto.
	" Kuladiprasad	... Jagannath College.
140	" Kunjabihari	... Midnapur College.
	" Narendrachandra	... Metropolitan Institution.
	" Padmumath	... City College
	" Prakashchandra	... Jagannath College.
	" Ramasimohan	... Metropolitan Institution
	" Ramprasad	... Free Church Institution, Calcutta
	Dasgupta, Abinashchandra	.. Dacca College.
	" Sriskamul	... Free Church Institution, Calcutta.
	Dassawoo, Aghornath	.. Metropolitan Institution.
	Datta, Anilechandra	... Presidency College.
150	" Annadaprasad	... L. M. S. Institution, Bhowanipur.
	" Aswinikumar	... Jagannath College.
	" Atul Imadim	.. Chittagong College.
	" Biharilal	... Ripon College.
	" Chandrakisor	.. General Assembly's Institution.
	" Choudhachandra	... Ditto.
	" Jogindrachandra	... Metropolitan Institution.
	" Jnanendranath	... Free Church Institution, Calcutta.
	" Kalikamal	... Rajshahye College.
	" Krishnamandhab	.. Burdwan Raj College.
160	" Lalbihari	.. L. M. S. Institution, Bhowanipur.
	" Madammohan	... Presidency College.
	" Nagendrachandra	.. Ditto.
	" Rasbihari	... Hughli College.
	" Satyabhinshan	.. Dacca College.
	" Sureschandra	.. Albert College
	" Tarunath	... Metropolitan Institution.
	De, Sasimohan	... General Assembly's Institution.
	Deb, Makundabul	... Rajshahye College.
	" Saratchandra	... Dacca College.
170	Devanath Sahay	... Patna College
	Dube, Har Dayal	... Canning College
	Edwards, J. R.	... Trinity College, Kandy.
	Enda, Kailashchandra	... Metropolitan Institution.
	Faizuddin Mollah	... Free Church Institution, Calcutta.

	Fernand, W. J. A.	... Teacher.
	Fuzlal Huq	.. St. Xavier's College.
	Gangopadhyay, Anisprakas	... Free Church Institution, Calcutta.
	"    Nauigopal	... Ripon College.
	Ghatak, Mohinimohan	... Rajshahye College.
180	Ghosh, Abinaschandra	Free Church Institution, Calcutta.
	"    Akhilchandra	... Patna College
	"    Anukulchandra	... Ripon College.
	"    Anukulchandra	Metropolitan Institution.
	"    Asutosh	... Benares College.
	"    E.	... St. Xavier's College.
	"    Gobindachandra	... Chittagong College
	"    Harischandra	... Muir Central College.
	"    Jnanachandra	... Metropolitan Institution.
	"    Jogindranath	... Free Church Institution, Calcutta.
190	"    Kedarnath	Benares College.
	"    Kumudbihari	... Burdwan Raj College.
	"    Lalgopal	... City College
	"    Nibaranachandra	... Metropolitan Institution.
	"    Nrisinhachandra	... Ditto
	"    Umeshchandra	... Ditto.
	Golan Hosein	... Hughli College.
	Gopal Ramchander Kango	... Jabhalpur College.
	Gopinath	... Jaypur Maharaja's College.
	Gordon, J. W. D.	... Muir Central College.
200	Goswami, Haridhan	... Free Church Institution, Calcutta.
	Gregory, G.	St. Xavier's College
	Guha, Atulchandra	Jagannath College.
	"    Hemendranath	Berhampur College.
	"    Jagadis	... Dacca College.
	"    Mukundanath	... Jagannath College.
	Gupta, Asutosh	... Burdwan Raj College.
	"    Radhanath	Jagannath College.
	Handy, C. C.	Trinity College, Kandy.
	Harsaran	... St. John's College, Agra.
210	Harihur Prasad	... Patna College.
	Harris, E. F.	... Agra College
	Hajra, Kalipada	Midnapur College.
	Hersman, J. S.	Trinity College, Kandy.
	Jagadamba Prashad	St. John's College, Agra
	Jagannath Sahay	... Patna College.
	Jagat Narayan	... Muir Central College.
	Kanbia Lal Srivastava	... Canning College.
	Kazi Saiyid Hamid Ali	... M. A. O. College, Aligarh.
	Khaleelur Rahman	... Patna College.
220	Khattry, Kanhiya Lal	... Canning College.
	Kishun Sahay	... Patna College.
	Kundu, Chanilal	... Metropolitan Institution
	Lala, Annadacharan	... Chittagong College.
	Lal Bihari Naguma	... Canning College
	Lalji Sirta	... Patna College.
	Lalla Durgacharan Srivasto	... Canning College.
	Matapattu, Tarapada	... Free Church Institution, Calcutta
	Mahendra Prasad	... Patna College.
	Maitra Chandicharan	... Burdwan Raj College
230	"    Chandrabhushan	Ripon College.
	"    Radlika Vishua	Rajshahye College.
	"    Rajendralal	Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	Rajshahye College.
	"    Haladhar	Jagannath College.
	"    Kedarnath	Free Church Institution, Calcutta
	"    Prabodhchandra	Ripon College.
	"    Priyanath	... Burdwan Raj College
	"    Sureschandra	... Rajshahye College.
	"    Tarinicharan	... Patna College.
240	Mallik, Debendrachandra	... Burdwan Raj College.
	Mandal, Sasadhar	Free Church Institution, Calcutta.
	Md. Kerim Uddin	... Bareilly College.
	Md. Sakawat Hosen	... Ditto.
	Meer Mushti Hossain	... Presidency College.
	Mirza Wajahut Husain	... Patna College.
	"    Rana Dayal	... Canning College.
100	"    Phubaulbhari	... General Assembly's Institution.

	Mitra, Harendranath	...	General Assembly's Institution.
	" Jagindranath	...	City Collage.
250	" Kalibar	...	Metropolitan Institution.
	" Krittibas	...	L. M. S. Institution, Bhowanipur.
	" Madanmohan	...	Dacca College.
	" Nibaranchandra	...	Ripon College.
	" Saradaprasanna	...	Metropolitan Institution.
	" Sureschandra	...	Patna College.
	Muhammad Abdul Moqit	...	St. Xavier's College.
	Muhammad Hobibullah	...	Free Church Institution, Calcutta.
	Muhammad Maqbool Alam	...	Muir Central College.
	Muhammad Matin	...	Ditto.
260	Muhammad Noor	...	Patna College.
	Muhammad Zahur Alam	...	Free Church Institution, Calcutta.
	Mukhopahyay, Abinash chandra	...	Canning College.
	" Ayodhyanath	...	Ingli College.
	" Asatosh, No. II	...	Ripon College.
	" Barnasi	...	Krishnagar College.
	" Bhagubatiacharan	...	Metropolitan Institution.
	" Bidhubhushan	...	Krishnagar College.
	" Debendranath	...	Metropolitan Institution.
	" Gopinath	...	Berhampur College.
270	" Jitendranath	...	Ditto.
	" Kamalul	...	St. Xavier's College
	" Krishnachandran*	...	Metropolitan Institution.
	" Kshirodkumar	...	Patna College.
	" Nagendranath (Sr.)	...	Metropolitan Institution.
	" Nagendranath	...	Muir Central College
	" Nanigopal	...	Sanskrit College.
	" Purnachandra	...	Patna College
	" Piyaramohan	...	Metropolitan Institution.
	" Radhokacharan	...	Free Church Institution, Calcutta.
280	" Ramnohan	...	Ripon College.
	" Saratchandra	...	Ditto.
	" Sasadhur	...	Burdwan Raj College.
	" Sasankamohan	...	Dacca College.
	" Satschandra	...	Jagannath College.
	" Satsaran	...	L. M. S. Institution, Bhowanipur.
	" Upendranath	...	St. Xavier's College.
	Mundle, Bibhoolan	...	Bishop's College.
	Musaffi, Debendranath	...	Ripon College
	" Satschandra	...	Presidency College.
290	" Nandi, Dakshinacharan	...	City College
	Narayan Sahay	...	Patna College
	Niyogi, Brajanandan	...	Burdwan Raj College.
	" Saratchandra	...	Free Church Institution, Calcutta.
	Nisar Ahmed	...	M. A. O. College, Aligarh.
	Poddar, Gopiraman	...	Chittagong College.
	Pal, Akshaykumar	...	Barilly College.
	" Tarakchandra	...	Jagannath College
	Palit, Hridaynath	...	City College.
	" Satchitananda	...	Ripon College.
300	Pande, Kaliprasanna	...	Burdwan Raj College.
	Pandit, Shunkar Lal	...	Muir Central College.
	" Suraj Nath	...	Ditto
	Prag Din Shurur	...	Canning College.
	Qasem Beg Chagtai	...	Agra College.
	Radhakishon	...	St. John's College, Agra
	Rahmat Ullah	...	Jalbabpur College.
	Rahmat Ullah	...	Agra College.
	Ramchandra Prasad	...	Patna College.
	Ram Das	...	St. John's College, Agra
310	Ram Newas	...	Jaypur Maharaja's College.
	Ram Prasad	...	M. A. O. College, Aligarh
	Ram Sarup	...	Muir Central College.
	Ray, Basantamohan	...	St. Xavier's College.
	" Bhabanicharan	...	Ripon College.
	" Binodechandra	...	Burdwan Raj College
	" Birajmohan	...	St. Xavier's College.
	" Brajendrachandra	...	Burdwan Raj College.
	" Channilal	...	St. Xavier's College.
	" Dineschandra	...	City College.
320	" Dolgobinda	...	Burdwan Raj College.
	" Durgankanta	...	Metropolitan Institution.

\* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranarayan	...	Midnapur College.
	" Harinath	...	Presidency College.
	" Harinarayan	...	Rajshahye College
	" Hariranjun	...	Burdwan Raj College.
	" Jnendramohan	...	Albert College.
	" Kailaschandra	...	Jagannath College.
	" Kshietraprasad	...	Burdwan Raj College
	" Narayanchandra	...	General Assembly's Institution.
330	" Arityagopal	...	Albert College.
	" P. N.	...	Canning College
	" Parbatidas	...	Berhampur College.
	" Rasbihari	...	Dacca College.
	" Saratchandra	...	Burdwan Raj College
	" Sasibhushan	...	Ripon College.
	" Surendranath	...	Burdwan Raj College.
	Raychaudhuri, Asutosh	...	Ditto.
	" Brindabanchandra	...	Hughli College.
	" Surendrakumar	...	Metropolitan Institution.
340	S. M. Ishaq	...	Muir Central College.
	Sahu, Harilal	...	Metropolitan Institution.
	Salt, E. P.	...	St. Peter's College, Agra.
	Saiblu Nath	...	Patna College.
	San Ja	...	Rangoon College.
	Saughat Ali	...	Calcutta Madrasa
	Sanyal, Baidyanath	...	Dacca College.
	" Chundramay	...	St. Xavier's College.
	" Radhikaprasad	...	Free Church Institution, Calcutta.
	" Satishchandra	...	Rajshahye College.
350	Sarkar, Baradakant	...	Free Church Institution, Calcutta.
	" Haribhushan	...	Metropolitan Institution.
	" Priyanath	...	Free Church Institution, Calcutta.
	Sarma, Gopinath	...	Agra College.
	Satishkrishna Swarup	...	Muir Central College.
	Sayyid Zaheruddin Ahmed	...	St. Xavier's College
	Sayyid Zahiruddin Ahmed	...	Presidency College
	Sen, Binodbilari	...	General Assembly's Institution.
	" Jagindrakumar	...	Ditto.
	" Kaliprasanna	...	Ditto
360	" Kshirendrasaika	...	Berhampur College.
	" Mahendrakumar	...	Dacca College.
	" Mahendrakumar	...	General Assembly's Institution
	" Parsonath	...	Albert College.
	" Purnachandra	...	Rajshahye College.
	" Rajkumar	...	General Assembly's Institution.
	" Syamacharan	...	Chittagong College.
	Sengupta, Saratchandra	...	Metropolitan Institution.
	" Taraprasad	...	Sanskrit College.
	Set, Upendranath	...	Free Church Institution, Calcutta
370	Shyam Lal	...	Fyzabad High School
	Sil, Jaharlal	...	Metropolitan Institution.
	Singam, D	...	Bishop's College.
	Singh, Gurnabai	...	Patna College
	" Ramadhi Kan	...	Ditto
	Sinha, Baikunthamata	...	Ripon College
	" Ramohan	...	General Assembly's Institution.
	" Rindal	...	Benares College.
	" Kumar Pramodchandra	...	Presidency College.
	" Sasibhushan	...	Canning College.
380	" Srimohan	...	St. Xavier's College.
	Sinha, Abinashchandra	...	Hughli College.
	Sitaram Ganesha Bhagwat	...	Jabalpur College.
	Sivaramdas Lal	...	Patna College.
	Soni, Nand Lal	...	Free Church Institution, Calcutta.
	" Parvatanand	...	Ripon College.
	" Ramchandra	...	Metropolitan Institution.
	Supurnas Das	...	Patna College.
	Sur, Suresh Nath	...	Jagannath College.
	Suryya Kumar	...	Patna College
390	Syed Abdul Mujid	...	Hughli College.
	" Ali Muzbar	...	Patna College.
	" Husnat Alley	...	Hughli College.
	" Mustafa	...	Muir Central College.
	" Wajrasat Hosain	...	Patna College.

	Tewari, Satischandra	...	Burdwan Raj College.
	" Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Perhampur College.
	Thoy, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annaduprasad	...	Ripon College.
400	" Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College.

The undermentioned candidates have passed the Entrance Examination :—

FIRST DIVISION.

*In Alphabetical Order.*

	Adhikari, Kesablal	...	15	Metropolitan Institution.
	" Ramdayal	...	15-5	Dumka Zila School.
	Afsaruddin, Mahommed	...	16	Barisal Zila School.
	Agha Husain	...	20	M. A. O. College, Aligarh.
	Ahmad Kabir	...	17	Chittagong Collegiate School.
	Akbar Masih	...	20-2	Banda Zila School.
	Ali Hassan	...	16-9	Blagalpur Zila School.
	Atizaram, Narayan Shrooty	...	17	City School, Nagpur.
	Augustus, J.	...	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	...	20-3	Rangoon College.
	Avadha Biharlal	...	17-9	Allahabad Government High School.
	Bagechi, Jyotindramohan	...	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	...	15-4	Bahsi H. E. School.
	" Bipinbihari	...	15-2	Bankura Zila School.
	" Harendranath	...	16-8	Hughli Collegiate School.
	" Puranchandra	...	17	Balagarh School.
	" Ramchandra	...	15-6	Barisal Zila School.
	" Saradaprasad	...	15-5	Hare School.
	" Sasibhusan	...	18-3	Dacca Pogose School.
20	" Sasisekhar	...	16	Metropolitan Institution.
	" Satischandra	...	14-9	M. A. O. College, Aligarh.
	" Satmath	...	16-2	Dacca Collegiate School.
	" Upendralal	...	19-6	Canning College, Lucknow.
	Baqar Husain	...	17	Allahabad Government High School.
	Barlow, T.	...	15-9	St. Xavier's College.
	Beechey, F.	...	16-4	Bishop Cotton School, Simla.
	Bhagat Ram	...	18-6	Ludhiana Mission School.
	Basu, Asutosh	...	19	Donegh High School, Jamalpur.
	" Asutosh	...	18-4	Hughli Collegiate School.
30	" Binodbihari	...	15-6	Hare School.
	" Gursichandra	...	17-7	Uttarpara School.
	" Haricharan	...	17	Dacca Collegiate School.
	" Janakinath	...	16-2	Hindu School.
	" Sureschandra	...	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhusan	...	11-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	...	17-10	Sanskrit Collegiate School.
	" Basantokumar	...	15	Barasat Government School.
	" Gopalechandra	...	11	Hughli Branch School.
	" Mahmanatu	...	15-10	Hindu School.
40	" Narayanachandra	...	16-6	City Collegiate School.
	" Padmanath	...	16-5	Sylhet Government High School.
	" Rampran	...	16	Sanskrit Collegiate School.
	" Sureschandra	...	16	Harinavi A. S. School.
	Biswas, Jugadballab	...	15-3	Rajshahye Collegiate School.
	" Kunjabihari	...	16	Metropolitan Institution.
	" Neelie	...	...	Cawnpur Girls' High School.
	Bose, A. L.	...	15-8	Private Student.
	Buchanan, W. J.	...	15-1	Rangoon College.
	Cansley, H. B.	...	16	Mussoorie School.
50	Carthud, Ruth	...	...	Doveton Institution.
	Cecilia, Brooking	...	...	Convent School, Rangoon.
	Chakrabarti, Krishnanath	...	19-2	Mymensingh Zila School.
	Chakrabarti, Amritlal	...	16	Albert Collegiate School.
	" Aswinikumar	...	15	Dacca National School.
	" Banamali	...	20	City Collegiate School.
	" Chintaharan	...	18-10	Dacca Collegiate School.
	" Gangeschandra	...	18	Santosh Jauhabhi School.

	Chakrabarti, Hemchandra	...	17-3	Sylhet Government High School.
	„ Mahimachandra	...	18-11	Mymensingh Zila School.
60	Chandra, Atulchandra	...	16-3	Hindu School.
	„ Matilal	...	15-8	Hughli Collegiate School
	Chanmukam, J. K.	...	22-9	Canadian Mission High School.
	Chittopadhyay, Amritlal	...	16	Hindu School.
	„ Bankimchandra	...	18	Dacca Pogose School.
	„ Bipinbihari	...	17	Sanskrit Collegiate School.
	„ Khagendranath	...	16-1-11	Uttarpara School.
	„ Marmohan	...	16	Natal H. E. School.
	„ Phaniudramohan	...	13-11	Ravenshaw Collegiate School, Katak.
	„ Prabodhchandra	...	16-1	Hare School
70	„ Raikisor	...	17	Ruplal Raghunath School.
	„ Saratchandra	...	18	Calcutta Training Academy
	„ Sriram	...	11-8	Madrasa-i-Anwaria
	„ Surendranath	...	15	Howrah Government School
	Chandhuri, Asitchandra	...	15-8	Commillah Zila School.
	„ Jaynarayan	...	17-6	Ravenshaw Collegiate School, Katak.
	„ Madanmohan	...	16-5	Purnia Zila School.
	„ Srischandra	...	15-2	Dacca Collegiate School.
	„ Surendranarayan	...	15	Natal H. E. School.
	Colthurst, L. S.	...	18-1	Doveton College.
80	Das, Benimadhab	...	19-3	Chittagong Collegiate School.
	„ Bichubhushan	...	16-6	Midnapur Collegiate School.
	„ Bipinchandra	...	19-8	Jagannath Collegiate School.
	„ Gopalchandra	...	18-11	Sylhet Government High School.
	„ Gurusaran	...	17-4	Allahabad Government High School.
	„ Purnachandra	...	17	Santipur Municipal School.
	„ Raimohan	...	18	Dacca National School.
	Dasgupta, Manoranjan	...	13	Kalia H. E. School.
	Datta, A.	...	17-6	St. Xavier's College.
	„ Atulchandra	...	13-9	Dacca Collegiate School.
90	„ Bhubanmohan	...	15-2	Metropolitan Institution.
	„ Nagendranath	...	16	Ditto.
	„ Satyendranath	...	16-1	Patna Collegiate School.
	D'Aheu, Sophia	...	...	Cawnpur Girls' High School.
	D'Sylva, E.	...	15-10	St. Xavier's College.
	DeSylva, J. S.	...	17-9	Prince of Wales' College, Moratuwa.
	De, Adharchandra	...	16	Howrah Government School.
	„ Bipinbihari	...	16-2	Uttarpara School.
	„ Brajendrakumar	...	16-6	Town School, Midnapur
	„ Haridhushan	...	16	Hindu School
100	„ Kiranchandra	...	15	Metropolitan Institution
	Dhar, Butakrishna	...	15-6	City Collegiate School
	Dube, Bholanath	...	17-10	Kandi School.
	Emile, C. H. A.	...	17-5	Canning College, Lucknow.
	Falkner, G.	...	18-6	St. Xavier's College
	Foley, E. J.	...	19-6	Doveton College.
	Ford, W. R. C.	...	17-6	Private Student
	Fox, A.	...	15-1	St. George's College, Mussoorie.
	„ Helen	...	...	Doveton Institution
	Foy, G. E.	...	15-5	Allahabad Government High School.
110	Fardoonjee Muncherjee	...	19	St. Francis de Sales' School, Nagpur.
	Gangoradhyay, Gopalchandra	...	13-6	Santipur Municipal School.
	„ Jaygolal	...	15	Bhagalpur Zila School.
	„ Nisikanta	...	21-10	Mymensingh Zila School.
	„ Ramanimohan	...	16	Purnia Zila School
	Ganpati Krishna Chitley	...	17	F. C. Institution, Nagpur
	Ghosh, Anilchandra	...	15	Metropolitan Institution.
	„ Barachprasad	...	19	Taki Government School.
	„ Dasurathi	...	16-5	Hughli Branch School.
	„ Gopalchandra	...	18	Natal H. E. School.
120	„ Maheschandra	...	17-9	Hazaribagh Zila School.
	„ Murnathnath	...	17	Metropolitan Institution.
	„ Prasannakumar	...	17-4	Barisal Zila School.
	„ Ramaprasad	...	15	Hare School.
	„ Santirun	...	16-7	Oriental Seminary.
	„ Satishchandra	...	16-4	Metropolitan Institution, B. Branch.
	„ Upendranath	...	17-1	Saradaprasad Institution, Chakdigha.
	Ghoshal, Phakirchand	...	16	Bagnan H. E. School.
	Gonsulves, W.	...	15-11	St. Xavier's College.
	Goodman, W. J.	...	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	...	18-3	Moradabad Government High School.
	Gordon, E. D.	...	17-3	Allulabad Boys' High School.
	Gracias, H. D.	...	16	St. Xavier's College.
	Guha, Priyanath	...	17-2	Dacca Collegiate School.
	Habiullah Kaderbhoy M.	...	18-10	Jabalpur Collegiate School.
	Harrison, A. G.	...	16	St. George's College, Mussoorie.
	Howe, R. T. V.	...	17-7	Doveton College.
	Hurprashad Gour	...	16-3	F. C. Institution, Nagpur.
	Jagannath Prasada	...	15-3	Benares Collegiate School.
	Jayatilake, D. B.	...	17-11	Wesley College, Colombo.
140	Johory, E.	...	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	...	17-5	Ditto ditto.
	Kamala Charan	...	17-2	Patna Collegiate School.
	Keshao Ballal	...	18-2	F. C. Institution, Nagpur.
	Knight, Ethel	...	...	Allahabad Girls' High School.
	Lala Thakur Prasad	...	17-5	Jabalpur Collegiate School.
	Mahadeva Prasada	...	17	Jaunpur C. M. High School.
	Manjundar, Bhupendranath	...	17	Bhagalpur Zila School.
	Makund Rao Loukras	...	15-10	Jabalpur Collegiate School.
	Mandal, Gokulchandra	...	14-10	Hughli Collegiate School.
150	McNaught J. H.	...	18-3	St. Paul's School, Darjeeling.
	Mendis, H. J.	...	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	...	18-10	Darbhanga Raj School.
	Misra, Madhu Sodhan	...	21-4	Sambalpur High School.
	" Sripati	...	16	Arrah Zila School.
	Mitra, Abinashchandra	...	15	Jirat Chaudrakona H. C. E. School.
	" Anarendrachandra	...	17-5	Birbhum School.
	" Annadiprasad	...	14-9	Searsale H. E. School.
	" Debendrakumar	...	16	Debrugarh High School.
	" Henschandra	...	16	Hindu School.
160	" Saratchandra	...	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Mohammad Asker	...	19-3	Canning College, Lucknow.
	Muhammad Abd	...	18	Arrah Zila School.
	" Abdul Hafiz	...	17	Jabalpur Collegiate School.
	" Abdul Bashir Khan	...	17-2	Ditto
	" Esa	...	16-8	Patna Collegiate School.
	" Manzarullah	...	19	Moradabad Government High School.
	Mukhopadhyay, Bhobataran	...	16	Bhagalpur Zila School.
	" Charuchandra	...	16	Barua H. C. E. School.
	" Girijabhusan	...	16-7	Patna Collegiate School.
170	" Gobindabandhu	...	15-3-10	Debrugarh High School.
	" Jahmabicharan	...	15-2	Hughli Collegiate School.
	" Jajneswar	...	16-8	Lahore District School.
	" Jogindranath	...	16-11	South Suburban School, Bhowanipur.
	" Jogindranath	...	15	L. M. S. Institution, Bhowanipur.
	" Jyotindramohan	...	18-4	Hindu School.
	" Nabagopal	...	17-2	Balagarh School.
	" Prannathamth	...	15-4	Halsahar English School.
	" Satischandra	...	18-7	Dacca Collegiate School.
	" Satyabhusan	...	16-3	Rajshahye Collegiate School.
180	" Satyaprasanna	...	16-8	Birbhum School.
	Mulraj	...	18-9	Ludhiana Mission School.
	Muttiah, J.	...	17-1	Wesley College, Colombo.
	Nag, Girishchandra	...	18-6	Graham School, Tangail.
	Nandi, Jagatichandra	...	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	...	16-1	Dacca Pogose School.
	Niyogi, Bhadrachandras	...	17	Donogh High School, Jamalpur.
	" Hemakumar	...	15-5	Faridpur Zila School.
	" Sasikumar	...	14-1	Ditto.
	O'Donoghue, P. E.	...	16-6	St. George's College, Mussoorie.
190	Pal, Chandranath	...	16-10	Dacca Pogose School.
	Perera, S.	...	20-8	Prince of Wales' College, Moratuwa.
	Perera, J. E. Friend.	...	18	St. Xavier's College.
	Phel, J.	...	15-11	Ditto.
	Po Thaw	...	17-11	Rangoon College.
	Poojary, Mudden Mohan	...	19-5	Sambalpur High School.
	Power, J.	...	15-5	St. Joseph's Seminary, Darjeeling.
	Prannik, Kantichandra	...	17	Canning College, Lucknow.
	Price, Mabel	...	...	Doveton Institution.
	Raha, Abhaycharan	...	18	Khulna Zila School.
200	Raphel, Ethel	...	...	Lalbagh Girls' High School.
	Ray, Atulchandra	...	16-3	Hare School.
	" Banimath	...	15-9	Krishnagar Collegiate School.

	Ray, Dewanchandra	...	15-9	Hughli Branch School.
	„ Jogindranath	...	15-4	Bah Rivers Thompson School.
	„ Matilal	...	15	Jamalpur H. C. E. School
	„ Manimohan	...	15-1	Barisal Zila School.
	„ Nabendrakisor	...	13-6	Noukhali Zila School.
	„ Rajendrachandra	...	17	Dacca Pogose School
	„ Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychandhuri, Bipindrakumar	...	15-6	Burpur H. C. E. School.
	Revie, Annie	...	...	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L. M. S. Institution, Bhownipur
	Sahny, Gopaljee	...	15	Arrah Zila School.
	„ Harbans	...	15-1	Patna Collegiate School.
	Sajjud Hussain	...	17	Pertapgar High School.
	Santra, Biharlal	...	16	Howrah Government School
	Sarkar, Jogindranath	...	19-10	Searsale H. E. School.
	„ Nukulchandra	...	14	Palna Zila School.
220	„ Saradakanta	...	16	Rangpur Zila School.
	„ Umeschandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martinière College, Calcutta.
	Sarma, Chundranath	...	18-5	Syhet Government High School
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	„ Annadacharan	...	17-5	Chittagong Collegiate School.
	„ Basantakumar	...	16	Barisal Zila School.
	„ Bilasechandra	...	16	Kaha H. E. School.
	„ Bipinchandra	...	18-4	Dacca Pogose School.
	„ Debendranath	...	15-11	Dinajpur Zila School
230	„ Gokulnath	...	16	Hughli Collegiate School.
	„ Mahatupchandra	...	16-5	Oriental Seminary.
	„ Rakhaldas	...	15-9	Dinajpur Zila School.
	„ Rajnikanta	...	15	Malda Zila School
	„ Rajnikanta	...	16-1	Chittagong Collegiate School.
	„ Syamacharan	...	15	Comilla Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shahabuddin	...	19	Tikari H. C. E. School.
	Shakke Mohamed Abdul Majid	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra.
240	Shukul, Gangadossal	...	18-3	Barilly High School.
	Singh, Umraw	...	18	Aligarh Government High School.
	Sinha, Brahmananda	...	17	Canning College, Lucknow.
	„ Dwijadas	...	16	Bhagalpur Zila School.
	„ Jyotindramohan	...	14	Fardpur Zila School.
	„ Lalbihari	...	19-3	Benares Collegiate School.
	„ Raghunath	...	15-5	M. A. O. College, Aligarh.
	„ Raghunath	...	20	Arrah Zila School
	„ Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School.
250	Sukhbir Singh	...	17	Agra Collegiate School
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School.
	Tewari Shank Deo	...	15-8	Jalbalpur Collegiate School
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martinière College, Calcutta
	White, H. P. S	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Hasmin	...	17	Moradabad Government High School.
	Zorab, Z. M.	...	15-9	La Martinière College, Calcutta.

## SECOND DIVISION.

*In Alphabetical Order.*

Asaf Khan	...	16	Rangpur Zila School.
Abajee Nunjee Mooley	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdro Nukwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School.

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Gazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samud	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	" Mohanbihari	...	17-8	Hare School
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalrapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College
	Andrews O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jabnabi School.
30	" Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	" Bipinbihari	...	19-4	Canning College.
	" Chandras'khar	...	18-1	Albert Collegiate School.
	" Gangadhar	...	17	St. John's College, Agra.
40	" Hariprasanna	...	15-2	Dacca Collegiate School.
	" Jnanadacharan	...	17	Barisal Zila School.
	" Jogindronath	...	16-9	Ditto
	" Kamakshyaprasad	...	14	Balagarh School.
	" Kedarnath	...	16-3	Agarpara H. C. E. School.
	" Krishnachandra	...	16-11	Khulna Zila School.
	" Kshetranath	...	18-4	Uttarpara School.
	" Kshirodnath	...	17	Midnapur Collegiate School.
	" Matilal	...	15	South Suburban School, Bhowanipar.
	" Nilmani	...	15-6	Baharu H. C. E. School.
50	" Nimchand	...	19-2	Brajmohan Institution, Barisal.
	" Nisikanta	...	15-5	Dacca Collegiate School.
	" Prannath	...	17-4	C. M. School, Amritsar.
	" Purnachandra	...	16-4	Dacca Collegiate School.
	" Sambhuchandra	...	17	Metropolitan Institution.
	" Saradakanta	...	16-3	Dacca Pogose School.
	" Sasibhushan	...	16	Hare School.
	" Satishchandra	...	15-6	Halisahar English School.
	" Sibndus	...	15-8	Baharu H. C. E. School.
	" Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalechandra	...	13	Dacca National School
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15 9	Hughli Branch School.
	Barma, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	" Isanchandra	...	18	Commillah Zila School.
	" Kailasnath	...	16	Nowgong High School.
	" Nabinchandra	...	16	Gauhati High School.
	Barve Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabalpur Collegiate School.
	" Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	" Anukulchandra	...	16	Commillah Zila School.
	" Anukulchandra	...	14	Hare School.
	" Bamacharan	...	16-7	Taki Government School.
	" Bijaykrishna	...	17-4	City Collegiate School.
	" Debendrachandra	...	15-4	Hughli branch School.
	" Gopalechandra	...	15-5	Canning College.

	Basu, Haridas	...	15-4	Metropolitan Institution, S. Branch.
	" Hemchandra	...	16	South Suburban School, Bhowanipur.
80	" Hridayachandra	...	17-8	Balasore Zila School.
	" Jagadiswar	...	17-6	Boinchi B. L. Institution.
	" Krishnachandra	...	18	Jabalpur Collegiate School.
	" Manmathanath	...	16-4	Hindu School.
	" Mohanlal	...	17	Jessore Zila School.
	" Nagendranath	...	17	Ripon College.
	" Nagendranath	...	15-6	Basirhat Municipal School.
	" Nilmani	...	16	Howrah Government School.
	" Purnachandra	...	17	Rajagram A. S. School.
	" Rasbihari	...	18	Rajshahye Collegiate School.
90	" Satinath	...	16	Magura H. E. School.
	" Satishchandra	...	15-6	Barahanagar School.
	" Suprasanna	...	18-4	Canning College.
	" Surendrachandra	...	15-6	Hughli Branch School.
	" Upendralal	...	15	Ruplal Raghunath School
	Beehu Lal	...	17-4	Unao High School.
	Bejbaruya, Lakshminath	...	18	Sibsagar High School.
	Bhaduri, Kalidas	...	18	Victoria School, Ghazipur
	" Rajanikanta	...	18-2	Dighapatia H. C. E. School.
	" Rajanikanta	...	19-1	Rajshahye Collegiate School.
100	" Sibchandra	...	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Katara	...	18-6	Government High School, Allahabad.
	Bhagwan Prasad	...	12	Gorakhpur C. M. H. School.
	Bhairab Ramchandra Hardiker	...	20	Jabalpur Collegiate School.
	Bhar, Benimadhab	...	19-3	Metropolitan Institution.
	Bhattacharyya, Abhaycharan	...	16-5	Albert Collegiate School.
	" Asutosh	...	16	L. M. S. School, Khagra.
	" Atulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Benimadhab	...	18-8	Ripon College.
	" Bhabataran	...	18-2	L. M. S. Institution, Bhowanipur.
110	" Bisweswar	...	17-6	Bali Rivers Thompson School.
	" Charuchandra	...	16	Harinavi A. S. School.
	" Girishchandra	...	18	Sahzadpur H. E. School.
	" Gurucharan	...	16	Bramanbaria Annada H. E. School.
	" Kailashchandra	...	19	Donogh H. School.
	" Kshetramohan	...	20-5	Kendraparah H. E. School.
	" Lalitmohan	...	18	L. M. S. Institution, Bhowanipur.
	" Nimaichandra	...	16	Ranchi Zila School.
	" Panabanan	...	18	Katwa H. E. School.
	" Rakhaldas	...	16-5	Bankipur. T. K. Ghosh's Academy
120	" Ramakanta	...	14-6	Rangpur Zila School.
	" Ramdas	...	15-10	Mozufferpur Zila School.
	" Ramdas	...	16	Barasat Government School.
	" Surendranath	...	16-3	Baharu H. C. E. School.
	" Uneschandra	...	15-2	Jagannath Collegiate School.
	Bhaumik, Akshaychandra	...	20	Mymensing Institution
	Bhuniya, Upendranath	...	17	Town School, Midnapur.
	Bhura Mal	...	18-6	Jaypur Maharaja's College.
	Bihari Lal	...	22	Ghazipur Mission High School
	Bindesvar Prasada Varma	...	17-3	Allahabad Government High School.
130	Bion, F. F.	...	15-7	St. Paul's School, Darjeeling.
	Bishun Datta	...	16-7	Patna Collegiate School.
	Biswas, Amulyadhan	...	16-6	Metropolitan Institution.
	" Dinanath	...	15	Nawab's High School, Murshedabad.
	" Haripada	...	16	Bhagalpur Zila School.
	" Janakinath	...	17	Magura H. E. School.
	" Kartikchandra	...	17	Bankura Zila School
	" Nabinchandra	...	19-9	Krishnagar Collegiate School.
	" Nagendranath	...	18	Allahabad Government High School.
	Romanji Nasarwanji Mullan	...	15-8	St. Francis de Sales' School.
140	Brahmachari, Tarasankar	...	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	...	18-8	St. Xavier's College.
	Budri Bakhsh	...	19-2	Ajmere Government College.
	Budriprasada	...	16-8	Agra Collegiate School.
	Budri Prasada	...	17-9	Sahjehanpur High School.
	Burnham, Blanche	...	.....	Doveton Institution.
	Buzlul Huq	...	15	Barisal Zila School.
	Chuckerbutty, Shorah	...	...	Lalbagh Girls' High School.
	Chakrabarti, Ambikacharan	...	17	Commillah Zila School.
	" Anadaprasad	...	16	Jagannath Collegiate School.
150	" Bangabihari	...	14-5	Dacca Pogose School.

	Chakrabati, Bankimchandra	...	15-2	Free Church Institution, Calcutta.
	" Biharilal ...	...	16	Nabadwip Hindu School.
	" Haridas	...	18	Harinavi A. S. School.
	" Jogeschandra	...	14-10	Rajshahye Collegiate School.
	" Kaliprasanna	...	15-10	Krishnagar Collegiate School.
	" Kedarnath	...	15-8	Chapra Zila School.
	" Parasnath	...	17	Dacca National School.
	" Praphullakumar	...	14-7	Krishnagar Collegiate School.
	" Pratapchandra	...	18	Commillah Zila School.
160	" Purnachandra	...	17-2	Rajshahye Collegiate School.
	" Purnachandra	...	17	Baharu H. C. E. School.
	" Rajanikantha	...	16-1	Rangpur Zila School.
	" Saratchandra, No. I.	...	18-4	Metropolitan, Institution B. Branch
	" Umacharan	...	16	Commillah Zila School.
	Chattopadhyay, Aghornath	...	13-8	Halisahar English School.
	" Annadaprasad	...	18-11	Benares Collegiate School.
	" Basantakumar	...	16-2	Faridpur Zila School.
	" Basantalal	...	17-5	Ripon College.
	" Bhupatinath	...	16-8	Hughli Branch School.
170	" Bipinchandra	...	16-7	Fyzabad Government High School
	" Chintaharan	...	15-5	Dacca Collegiate School.
	" Girindranath	...	17-10	Benares Collegiate School.
	" Haricharan	...	17-5	Bankipur T. K. Ghosh's Academy.
	" Hirilal	...	15	Dhubri High School.
	" Jyotindramohun	...	13-6	Ditto.
	" Manindralal	...	16-6	Birblum School
	" Mohitkumar	...	15	Jamalpur H. C. E. School.
	" Nibaranchandra	...	18	Mahes H. E. School.
	" Rasbihari	...	18	Dacca National School
180	" Upendrachandra	...	17	Bankura Zila School.
	Chaudhuri, Bhabanigobinda	...	15	Rajshahye Collegiate School
	" Chandrakisor	...	15-4	Bhagalpur Zila School
	" Purnachandra	...	20-2	Rajshahye Collegiate School.
	" Ramgopal	...	17-11	Patna Collegiate School.
	Chol Bihari Lal Mathur, No. II	...	15-11	Agra Collegiate School.
	Ohhannoo Lal	...	19-6	Benares B. P. School.
	C. Kanaka Ruja Moodelliar	...	18-4	Free Church Institution, Nagpur.
	Connor, G.	...	15-6	Private Student.
	Cornabo, A. P.	...	15-6	La Martinière College.
190	Cartis, J. H.	...	16-2	Ditto.
	Daji Panday	...	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	...	16-2	Ravenshaw Collegiate School, Katak
	" Charuchandra	...	14-8	Hughli Collegiate School
	" Chittaranjan	...	15-3	L. M. S. Institution, Bhowanpur.
	" Gangagobinda	...	17-3	Faridpur Zila School
	" Girischandra	...	16	Noukhali Zilla School.
	" Haridas	...	15	Jagannath Collegiate School.
	" Harsaran	...	16-2	Aligarh Government High School.
	" Jogeschandra	...	14	Rangpur Zila School
200	" Kailaschandra	...	16-4	Sylhet Government High School.
	" Kaminikumar	...	17-3	Chittagong College School.
	" Kasiswar	...	18-1	Jenkin's School, Cooch Behar.
	" Lakshmanachandra	...	16	Chatra H. C. E. School.
	" Madhusudan	...	14-3	Rangpur Zila School.
	" Mihirlal	...	17-7	Hughli Collegiate School.
	" Prankrishna	...	18	Malda Zila School.
	" Rajendranath	...	17	Metropolitan Institution, S. Branch
	" Rajendranath	...	19-1	Uttarpara School.
	" Rangati	...	20-5	Sylhet Government High School.
210	" Sarbeswar	...	13-7	Barpeta H. E. School.
	" Satyendranath	...	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikacharn	...	20-2	Dacca Collegiate School.
	" Asutosh	...	14	Free Church Institution, Calcutta
	Datta, Ambikacharan	...	16-4	Madaripur H. C. E. School.
	" Ambikacharan	...	16-11	L. M. S. Institution, Bhowanipur.
	" Bankubihari	...	18	Dacca Pogose School
	" Basantakumar	...	18	Dacca National School.
	" Chandrabhusan	...	16	Bankura Zila School.
	" Gobindaachandra	...	16	Sarnamay's H. C. E. School, Ulipur.
220	" Haridas	...	16-2	Hindu School.
	" Jagadisharan	...	17-2	Dacca Collegiate School.
	" Jyotilal	...	16	Howrah Government School.
	" Kalidas	...	16	Mahes H. E. School.

	Datta, Lalitmohan	...	19-4	Dacca Pogose School.
	" Mahendranath	...	14-2	Sibpur Higher English School.
	" Upendranath	...	18-1	Khulna Zila School.
	Davis, W.	...	17-9	Private student.
	De, Bisweswar	...	21-2	Kalaskati H. E. School.
	" Gobindaprasad	...	16-9	Albert Collegiate School.
230	" Nepalchandra	...	17-5	Barahanagar School.
	" Pratuachandra	...	16	L. M. S. Institution, Bhowanipur.
	" Satishchandra	...	14-11	Hare School.
	" Upendranath	...	15-10	General Assembly's Institution.
	Deb, Lakshminath	...	19-2	Habiganj High School.
	Debi Prasad Lala	...	18-6	Jabalpur C. M. S. High School
	Deotjen, J.	...	17	St. Paul's High School, Rangoon.
	De Silva, W. H.	...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy	...		Cawnpur Girls' High School.
	Dhani Ram	...	16-8	St. John's College, Arga.
240	Dhar, Chandranath	...	16-7	Rajshahye Collegiate School.
	" Saradaacharan	...	18-2	Mymensingh Zila School.
	" Surendranath	...	16-2	Oriental Seminary.
	Dheondi Gunwant Thengdi	...	18	City School, Nagpur.
	Dikshit Jagannath	...	18	Hume's High School, Etawah.
	Dover, Grace	...		La Martiniera for Girls.
	Dube, Lakshmi Prashad	...	20	Sultanpur Zila School.
	" Mannoo Lal	...	19	Jabalpur Collegiate School.
	Dwarka Narayan Mathur	...	17-10	Allahabad Government High School.
	Enayat Karim, H. S	...	19-2	Calcutta Madrasa.
250	Etha	...	20-1	Akyab Government High School.
	Faizuddin Ahmed	...	18	Debrugarh High School.
	Fakhr Uddin	...	17-1	Patna Collegiate School.
	Forbes, Honorino	...		Convent School, Rangoon.
	Ganaishi Lall	...	18-3	Hume's High School, Etawah.
	Ganga Vishnu	...	15	Chapra Zila School.
	Gangopadhyay, Asutosh	...	15-3	Howrah Government School.
	" Bipradas	...	17	Bhagalpur Zila School.
	" Debendranath	...	16	Burdwan Municipal School.
	" Harulal	...	17-8	Patna Collegiate School.
260	" Manmathanath	...	15	L. M. S. Institution, Bhowanipur.
	" Manmathanath	...	15-11	Dinajpur Zila School.
	" Nripendranath	...	16-6	Barasat Government School.
	" Panchanan	...	18	Konnagar H. C. E. School.
	Gasper, C. S.	...	17-6	Doveton College.
	Ghatak, Gangeschandra	...	18	Ranaghat H. A. V. School.
	Ghosh, A.	...	17-6	St. Xavier's College.
	" Abanikumar	...	17	Dacca National School.
	" Akshaykumar	...	17-10	Hindu School.
	" Amiyannath	...	16-8	Metropolitan Institution, S. Branch
270	" Binodbihari	...	13	Narail H. E. School.
	" Gopalchandra	...	13	Faridpur Zila School.
	" Gopalchandra	...	16	Jagannath Collegiate School.
	" Harendrakumar	...	14	Batistul Zila School.
	" Hirulal	...	16-10	Behar H. C. E. School.
	" Jagatchandra	...	17-2	Chittagong Collegiate School.
	" Kasinath	...	15-10	Metropolitan Institution.
	" Narayanchandra	...	14	Hare School.
	" Priyanath	...	16	Ditto.
	" Rameschandra	...	18	Jagannath Collegiate School.
280	" Ramraman	...	18-1	Narail H. E. School.
	" Sarojkanti	...	15-6	City Collegiate School.
	" Sasibhusan	...	16	Metropolitan Institution.
	" Satishchandra	...	16-6	Hare School.
	" Surendranath	...	15-6	Ditto.
	" Taraprasanna	...	17	Parulia Zila School.
	" Umeschandra	...	18	Khulna Zila School.
	Ghoshal, Gopalchandra	...	19-10	Harinavi A. S. School.
	" Sarala	...	.....	Bethune Female School.
	Gobind Balwant	...	17-9	Jabalpur Collegiate School.
290	Godwin, G. L.	...	21-3	Armenian Phil. Academy.
	Gokool Chand	...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil	...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	...	16-5	St. Thomas' College, Murree.
	Goswami, Nrityagopal	...	18	Dal's High School.
	" Subhrendu	...	16	Silsagar High School.
	Guha, Asitakumar	...	16-3	University College.

	<i>Guha, Rairaman</i> ...	17	<i>Narayanganj H. C. E. School.</i>
	<i>Gulab Jagosing</i> ...	17	<i>City School, Nagpur.</i>
	<i>Gulzari Lall</i> ...	19	<i>Kayastha Pathshala, Allahabad.</i>
300	<i>Gupta, Binayachandra</i> ...	16-3	<i>Dacca Collegiate School.</i>
	" <i>Harananda</i> ...	17	<i>Jagannath Collegiate School.</i>
	" <i>Naricharan</i> ...	17-2	<i>Hindu School.</i>
	" <i>Juanendramohan</i> ...	17	<i>Santosh Jahnabi School.</i>
	" <i>Kalimohan</i> ...	17-4	<i>Jalpaiguri Zila School.</i>
	" <i>Kshetramohan</i> ..	18-9	<i>Hughli Collegiate School.</i>
	" <i>Makhailal</i> ...	16	<i>Hare School.</i>
	" <i>Nandalal</i> ...	15 6	<i>Ripon College.</i>
	" <i>Pramatheswar</i> ...	14	<i>Dacca National School.</i>
	" <i>Sauribilas</i> ...	17-4	<i>Banwaribad H. C. E. School.</i>
310	<i>Gya Prasad</i> ...	17-6	<i>Fyzabad Government High School.</i>
	<i>Habibar Ruhman</i> ...	15	<i>Midnapur Collegiate School.</i>
	<i>Hajra, Annadaprasad</i> ...	16-11	<i>Burdwan Raj Collegiate School.</i>
	<i>Halder, Anathnath</i> ..	16 2	<i>L. M. S. Institution, Bhowanipur.</i>
	" <i>Haridas</i> ...	18	<i>South Suburban School Bhowanipur.</i>
	<i>Hannah, A. R.</i> ...	16-9	<i>Allahabad Boys' High School.</i>
	<i>Harak Narayan</i> ...	16	<i>Bankipur T. K. Ghosh's Academy.</i>
	<i>Harinanda Sahay</i> ...	16 6	<i>Patna Collegiate School.</i>
	<i>Hari Narayan</i> ...	21	<i>Jaypur Maharaja's College.</i>
	<i>Harris, G. H.</i> ..	18-5	<i>Private Student.</i>
320	<i>Hazuri Lal</i> ...	19-3	<i>Barabanki High School.</i>
	<i>Hein, A. G.</i> ...	15-8	<i>Bishop Cotton School, Simla.</i>
	<i>Hemingway, Lizzie</i> ...	.....	<i>Diocesan Girls' School, Naini Tal.</i>
	<i>Htun Hla W.</i> ...	16-7	<i>Akyab Government High School.</i>
	<i>Hui, Nilbarachandra</i> ...	16-3	<i>Burdwan Raj Collegiate School.</i>
	<i>Ikbal Kishaw Dar</i> ...	16-6	<i>Victoria Collegiate School, Agra.</i>
	<i>Imtiaz Ahmad</i> ...	20	<i>Canning College.</i>
	<i>Jackson, L. J.</i> ...	16-1	<i>Cawnpur Memorial School.</i>
	<i>Jacob, E.</i> ...	18	<i>Jabalpur Collegiate School.</i>
	<i>Jagadamba Prasad</i> ...	17	<i>Mirzapur Government High School.</i>
330	<i>Jagannath Pershad</i> ...	17-6	<i>Baroilly High School.</i>
	<i>Jamiluddin</i> ...	17-3	<i>Allahabad Government High School.</i>
	<i>Janaki Sahay</i> ...	15	<i>Gya Zila School.</i>
	<i>Janki Prashad</i> ...	15-5	<i>Bhagalpur T. N. City School.</i>
	<i>Jaymungal Prasad</i> ..	16	<i>Chapra Zila School.</i>
	<i>Jootiprasada</i> ...	16-6	<i>Benares Collegiate School.</i>
	<i>Jeremiah, J. R.</i> ...	18-5	<i>Wesley College, Colombo.</i>
	<i>Jeremy, A. S.</i> ...	15-11	<i>Meerut C. M. High School.</i>
	<i>Jotirvid, Badri Dutta</i> ...	16-9	<i>Baroilly High School.</i>
	<i>Kali Sahai</i> ...	19	<i>Bahraich High School.</i>
340	<i>Kamaluddin</i> ...	17	<i>Behar National Institution.</i>
	<i>Kama Prasad, No. I</i> ...	20	<i>Hume's High School, Etawah.</i>
	<i>Kanahya Lall</i> ...	15-8	<i>Baroilly High School.</i>
	<i>Kar, Atulchandra</i> ...	18	<i>Dacca Pogose School.</i>
	" <i>Jagatchandra</i> ...	17-6	<i>Mymensingh Zila School.</i>
	<i>Karani, Nimaicharan</i> ...	19-3	<i>ditto ditto.</i>
	<i>Karnakar, Kumudbath</i> ...	15	<i>Rangpur Zila School.</i>
	<i>Kesho Rao Sadashiva</i> ...	17-1	<i>Jabalpur Collegiate School.</i>
	<i>Khan, Saradanath</i> ...	14-4	<i>Bogra Zila School.</i>
	<i>Khoob Lal Dass</i> ...	15-9	<i>Bhagalpur T. N. City School.</i>
350	<i>Khoorsheid Ali</i> •	15	<i>Ravenshaw Collegiate School, Katak.</i>
	<i>Kishori Lal</i> ...	17-6	<i>Govt. High School Aligarh.</i>
	<i>Kraal, Ella</i> ...	...	<i>Doveton Institution.</i>
	<i>Krishna Bullabh</i> ...	17-3	<i>Bankipur T. K. Ghosh's Academy.</i>
	<i>Krishna Deva Narayan</i> ...	16-4	<i>Mozufferpur Zila School.</i>
	<i>Krishna Rao Pamaskr</i> ...	15	<i>Jabalpur Collegiate School.</i>
	<i>Kuladwipa Sahay</i> •	16	<i>Gya Zila School.</i>
	<i>Kumar, Bipranarayan</i> ...	15-10	<i>Jenkin's School, Cooch Behar.</i>
	<i>Kunjabihari Lal</i> ...	18-6	<i>Patna Collegiate School.</i>
	<i>Kunti Damodar Kesheo</i> ...	17-6	<i>Indore Madrasa.</i>
360	<i>Lachman Prasada</i> ...	18-10	<i>Rai Baroilly Government High School.</i>
	<i>Lachminarain</i> ...	17-6	<i>Patna Collegiate School.</i>
	<i>Ladli Prasad</i> ...	17-6	<i>Allahabad Government High School.</i>
	<i>Lala Kamta Prasada</i> ...	17-6	<i>Sitapur High School.</i>
	<i>Lalitaprasad</i> ..	17-8	<i>Gorakhpur C. M. High School.</i>
	<i>Lalta Prasada</i> ...	16-10	<i>Fyzabad Government High School.</i>
	<i>Laville, B. L. A.</i> ...	17-6	<i>Lahore Boys' High School.</i>
	<i>Laxman Vyankatesh Parnaik</i> ...	19-3	<i>Dhar High School.</i>
	<i>Lyell, H. S.</i> ...	16-7	<i>St. Xavier's College.</i>
	<i>McGinn, E.</i> ...	15	<i>St. George's College, Mussoorie.</i>

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Muhabir Sarana	...	16	Chapra Zila School.
	Mahanti, Harakrishna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Haq	...	15-4	Patna Collegiate School.
	Maitra, Homantakumar	...	15-8	Berhampur Collegiate School.
	" Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Tamruk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Baradaprasanna	...	17	Jessore Zila School.
	" Harachandra	...	16-3	Rajshahya Collegiate School.
	" Hariprasad	...	16-7	Commillah Zila School.
	" Priyasankar	...	16-2	Hindu School.
	" Rajendranath	...	16	Howrah Government School.
	" Saradacharan	...	17-4	Rajshahya Collegiate School.
	" Sibchandra	...	16	Rangpur Zila School.
	Malia, Prarnathanath	...	15	Searsole H. E. School.
	Mallik, Arabindaprakas	...	15-10	Agra Collegiate School.
390	" Goshtlabihari	...	17-4	Tarakeswar School.
	" Jnanendrachandra	...	16	Kalyan Maharaja's School.
	" Jnanendranath	...	18	Hare School.
	" Krishnalal	...	15-8	Hughli Branch School.
	" Saratchandra	...	16	Metropolitan Institution.
	" Satishchandra	...	15	Midnapur Collegiate School.
	" Surendranath	...	15	Hare School.
	Mandal, Benimadhab	...	15	Malda Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Magboolul Haque	...	17	Noakhali Zila School.
400	Master, L. S.	...	19	Hazaribagh Zila School.
	Meherbai Byramjee Nusserwanjee	...		Dovoton Institution.
	Miller, A. H.	...		Rangoon College.
	Mirza Ahmed Jan	...	15-3	Victoria Collegiate School, Agra.
	" Muhammad Nazir	...	17	Bhadrak H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	" Asutosh	...	15	Dasghara School.
	" Asutosh	...	14	Metropolitan Institution, S. Branch.
	" Bamacharn	...	14-10	Hare School.
	" Binaykrishna	...	16-3	Ariadaha H. E. School.
410	" Binodechandra	...	14	Hindu School.
	" Bipinbihari	...	16-1	Rajshahya Collegiate School.
	" Gopeswar	...	14-3	Hitampur School.
	" Hariprasad	...	19-10	Krishnagar Collegiate School.
	" Jotindraprasad	...	16-4	Hare School.
	" Kalicharan	...	15-6	Benares Collegiate School.
	" Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	" Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	" Mahindranath	...	19	Pertabgarh High School.
	" Nilgirindra	...	15	University College.
420	" Raghunath	...	15-1	Agra Collegiate School.
	" Sarbagunakar	...	18	University College.
	" Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	" Upendramohan	...	15	Commillah Zila School.
	" Upendranath	...	18	Metropolitan Institution.
	Mittha Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Ambala Mission High School.
	Momng Hla Baw	...	17-3	Rangoon College.
430	" Kyi O.	...	15-4	Mergui Government School.
	" Ka	...	15-4	Akyah Government High School.
	Muhammad Abdul Gaffar	...	18-3	Jabalpur Collegiate School.
	Muhammad Amanul Haq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Alibasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16-3	Benares Collegiate School.
	Muhammad Maqsood Ali Khan	...	20-3	Jabalpur Collegiate School.
	Muhammad Qumrul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto.
	Muhammad Rafi	...	18	Ghazipur Mission High School.
440	Muhammad Saadutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.

	Muhammed Wajib	...	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	...	15-7	Patna Collegiate School.
	Mukhi Ram	...	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	...	17-8	Bali Rivers Thompson School.
	" Annadaprasad	...	17	Hare School.
	" Atiudriya	...	17	L. M. S. Institution Bhowanipur.
460	" Baikunthanath	...	18-4	Mahisadal H. E. School.
	" Bankimnath	...	16	Birbhum School.
	" Bhubanchandra	...	17-7	Kalna Maharaja's School.
	" Bipradas	...	13-8	Ranaghat H. A. V. School.
	" Girindranath	...	15	Metropolitan Institution.
	" Hariharan	...	15-5	Kalna Maharaja's School.
	" Hariprasanna	...	17-3	Dacca Collegiate School.
	" Kalidas	...	17-6	Ariadaha H. E. School.
	" Kaliprasanna	...	18-4	Monghyr Zila School.
	" Mahendranath	...	15-6	Malda Zila School.
460	" Meghnath	...	15-4	Burdwan Raj Collegiate School.
	" Mrigendralal	...	16-3	Birbhum School.
	" Nagendranath	...	17-7	Boinchi B. L. Institution.
	" Nilmani	...	15	Kuchincol Radha Institution.
	" Paradakinkar	...	16-6	Birbhum School.
	" Priyanath	...	17-2	Cawnpur Zila School.
	" Parnachandra	...	17	Ghatal H. C. E. School.
	" Rakhalechandra	...	15-7	Bankura Zila School.
	" Ramchandra	...	17-2	Brajmohan Institution, Barisal
	" Sasikanta	...	18-2	Chittagong Collegiate School.
	" Satishchandra	...	17	Santipur Municipal School.
170	" Sarathnath	...	15	Hughli Collegiate School
	" Sorendranath	...	15	Howrah Government School.
	Muruli Manohar Lal	...	21	Rewah High School
	Murli Dhar Ganesh	...	18-7	Jabalpur C. M. S. High School.
	" Dhar Nagar	...	18-4	Benares Collegiate School.
	Mustafi, Asutosh	...	16	Balagarh School.
	" Mahitosh	...	17-4	Howrah Government School.
	Nabi Bakhsh	...	16-6	Lardhiana Mission School.
	Nag, Gangakanta	...	15-4	Dacca Collegiate School.
	" Hamseswar	...	16-9	Jangipur H. E. School.
480	Naudi, Atulkrishna	...	16-2	Metropolitan Institution, B. Branch
	" Brajogopal	...	15-2	A. P. Mission School, Allahabad.
	" Satyendranath	...	15	Ranaghat H. A. V. School.
	Narain Dalla Khawas	...	19-1	Ramsay College, Almorah.
	Narain Sing	...	19-6	Unao High School.
	Nath, Kshetramohan	...	17	L. M. S. Institution, Bhowanipur.
	Nathooram	...	17-10	Jabalpur C. M. S. High School.
	Nawab Lal	...	14	Bulia School.
	Naziruddin Ahmed	...	17	Benares Collegiate School.
	Nurullah	...	16	Calcutta Madrasa.
190	O'Byrne, F.	...	15 8	St. George's Colleges, Mussoorie.
	Omar Khan	...	14-5	Calcutta Madrasa.
	Pakrasi Bhubanmohan	...	17-3	Banda Zila School.
	Pal, Jyotishchandra	...	17	Bhagalpur Zila School.
	" Satyapradip	...	17	Sridhar Bansidhar School Nawabganj.
	Palchandhuri, Hemendranath	...	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhyanath	...	17	Canning College.
	" Mohan Kissen	...	20	Ditto.
	" Rajnarain	...	19	Ditto.
	Pandit, Pirthu Nanth Muttoo	...	16-2	Sitapur High School.
500	Patra, Haridas	...	15	Howrah Government School
	Pershadi Lal	...	19	Aligarh Government High School.
	Platts, S. G.	...	15-6	Benares Collegiate School
	Pramanik, Goshthabihari	...	16-7	Rajshukyo Collegiate School.
	" Rakhalechandra	...	16	Santipur Municipal School.
	" Rammay	...	19	Ditto.
	Prem Bihari Lal	...	16	Bareilly High School.
	Pudampurshad	...	18-5	Ajmere Government College.
	Quasim Uddin Khan	...	15	Bhagalpur Zila School
	R. Hazari Lal	...	17-3	Jabalpur Collegiate School.
510	Raghunandana Pershad	...	16-2	Chapra Zila School.
	Raghunath Keshava Sarvato	...	17-1	Jabalpur Collegiate School.
	Raghunath Prasad Seth	...	18	L. M. Collegiate School, Benares
	Raha, Sasudhar	...	16	Bagirhat English School.
	Rahim Bakhsh	...	18-7	Gonda High School.
	Rai Durga Prasad	...	19	Jabalpur Collegiate School.

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Barilly High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School, Agra.
	Ram Puri Goshain	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinashchandra	...	15	Jamulpur H. C. E. School.
530	" Akshaykumar	...	15-2	Bogra Zila School.
	" Anukulchandra	...	15	Barisal Zila School.
	" Baidyanath	...	16-4	Dumka Zila School.
	" Banamali	...	16-2	Hughli Collegiate School.
	" Bhabeshchandra	...	15-9	Hare School.
	" Brajendranath	...	16	Moughyr Zila School.
	" Chandieharan	...	14	Kalia H. E. School.
	" Chandrakumar	...	17	Mymensingh Institution.
	" Giriprasanna	...	16	South Suburban School, Bhowanipur.
	" Harakal	...	16	Pabna Zila School.
540	" Jadabchandra	...	16-7	Barisal Zila School.
	" Jasadkumar	...	18	Chittagong Municipal School.
	" Jyotindramohan	...	17	Taki Government School.
	" Jyotindramohan	...	15	Hare School.
	" Kailashchandra	...	18-8	Naldanga Bhushan School.
	" Kalikacharan	...	15-6	Manikganj H. C. E. School.
	" Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	" Kiranchandra	...	17-9	Naral H. C. E. School.
	" Kumudnath	...	14-6	Pabna Zila School.
	" Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	" Mahimachandra	...	18	Jagannath Collegiate School.
	" Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	" Mukundanath	...	16	Dinajpur Zila School.
	" Paramesprasanua	...	14-9	Dacca National School.
	" Purnendu	...	15	Mahes H. E. School.
	" Raghunath	...	16-3	Ravenshaw Collegiate School, Katak.
	" Rajendramohan	...	16	Rowile H. School.
	" Rajabdas	...	17-2	Barasat Government School.
	" Rakhairaj	...	20	Gar Bownipur H. C. E. School.
	" Rasbihari	...	17-6	Ghatal H. C. E. School.
560	" Saradakanta	...	14-1	Bogra Zila School.
	" Sudhangsukumar	...	15-6	Hare School.
	Raychandhuri, Sibadas	...	16	Baripur H. C. E. School.
	" Unacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhuwat Hossain	...	17-3	Patna City Zila School.
	Sannatta, Radhacharan	...	18	Searsole H. E. School.
570	Sambhu Prasad	...	16	Bankipur T. K. Ghosh's Academy.
	Sankhua Daityariprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	" Grishchandra	...	19-6	Puthia H. E. School.
	" Krishnabandhu	...	17-5	Uttarpara School.
	Sarju Parshad	...	18-7	Bareilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	" Binodbihari	...	15	Froese Church Institution, Chinsurah.
	" Jyotindramohan	...	16	Dacca National School.
	" Saratchandra	...	14-3	Dinajpur Zila School.
580	" Saratkumar	...	16-5	Hindu School.
	" Sasisekhar	...	16-5	Rajshahye Collegiate School.
	" Satyacharan	...	20	Mahisadal H. E. School.
	" Sureschandra	...	16-6	Krishnagar Collegiate School.
	" Sureschandra	...	15-5	Birbhum School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	" Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	" Abhuycharan	...	19	Ditto.

	Sen, Chandrakumar	...	19-3	Sylhet Government High School.
590	" Haranohandra	...	17	Hindu School.
	" Harimanikya	...	17	Dacca National School.
	" Janardanhari	...	15	Noakhali Zila School.
	" Kalimohan	...	17	Dacca Pogose School.
	" Kaminikunmud	...	16	Chittagong Collegiate School.
	" Kodarnath	...	17-11	Brajamohan Institution, Barisal.
	" Kshirodhal	...	13-1	Hindu School.
	" Nisichandra	...	20	Chittagong Municipal School.
	" Prankrishna	...	16	Noakhali Zila School.
	" Ramachandra	...	16-6	Dinajpur Zila School.
600	" Saradakanta	...	16-7	Burdwan Municipal School.
	" Saratchandra, No. I	...	14	Barisal Zila School.
	" Saratchandra, No. II	...	14	Ditto.
	" Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	" Syamacharan	...	18	Dacca National School.
	" Tattweskamal	...	15-9	Jenkin's School, Cooch Behar.
	Sengupta, Chandrakumar	...	18	Chittagong Municipal School.
	" Krishnakumar	...	13	Santosh Jahnabi School.
	" Nagendranath	...	17	Ranaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School.
610	Shambhunarayan Varma	...	18	Allahabad Government High School.
	Shamsur-Rusun	...	20-9	Jabalpur Collegiate School.
	Shankar Lall, No. I	...	18-4	Meerut Government High School.
	Shankar Lall, No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaylall	...	20-7	Patna Collegiate School.
	Shumbhoo Dyal	...	19-3	Barabanki High School.
	Shway Hpaaw Oo	...	18-9	Akyab Government High School.
	Shwo Mya	...	20-10	Rangoon College.
620	Sil, Nandlal	...	15-1	Hume's High School, Etawah.
	" Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	" Sheo Nandan	...	17	Chapra Zila School.
	" Shew Shankar	...	20	Pertabgarh High School.
	Sinha, Bislinuprasad	...	21	Rajshahye Collegiate School.
	" Gadadhar	...	16-2	Benares Collegiate School.
	" Karunasindhu	...	17-8	Lakshannath H. O. E. School.
	" Lakshmiprasad	...	19-2	Kendrapara H. E. School.
	" Natabar	...	17	Bankura Zila School.
630	" Rajanikanta	...	16-2	Kandi School.
	Siv Pratap Narayan	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohomani	...	16	Free Church Institution, Calcutta.
	Sobhakar, Kshetranath	...	17-5	Hindu School.
	Som, Saratchandra	...	16-8	Commuillah Zila School.
	Subhan Kureem	...	22-7	Patna Collegiate School.
	Sundar Narain Mushran	...	20	Private Student.
	Suraj Bakhsh	...	13-2	Fyzabad Government High School.
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghani	...	17-6	Jaunpur Government High School.
	Syed Abdul Jabber	...	17	Halaganj High School.
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh.
	Syed Muhammad Zahurul Haq	...	11	Calcutta Madrasa.
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhinbraunath	...	15-6	Metropolitan Institution.
	Telluckdharl Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College.
	Tewari, Ramanandan	...	17	Balia School.
650	Thu Gywai	...	16-4	Rangoon College.
	Thakur Prasad	...	18	Sultanpur Zila School.
	" Premasankar	...	19	Jabalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikaram	...	18-3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School.
	Wale, J. P.	...	18-6	Lahore Boys' High School.

	Wallace, Mary	...	...	Convent School, Rangoon.
	Waman Vithal Kano	...	16	City School, Nagpur.
	Wasi Ahmed	...	19-7	Patna Collegiate School.
	Wintorseule, J. C.	...	16-9	La Martinière College.
	Wise, Janet	...	.....	Doveton Institution.
	Navier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

## THIRD DIVISION.

*In Alphabetical Order.*

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Alulul Goni	...	21	Free Church Institution, Calcutta.
	Abodhbihari Lali	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotishchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Ahgarh.
	Afzalur Rohomam	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M. A. O. College, Aligarh.
	Ali Haider	...	16-8	Baroilly High School.
	Amhica Parsad	...	16	Chapra Zila School.
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prosud	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badri Pershad	...	22	Sultanpur Zila School.
	Bagchi, Abinasechandra	...	16	Rajshahye Collegiate School.
	" Girijakanta	...	18-1	Jalpaiguri Zila School.
	" Unneschandra	...	21	Parjana Mukundanath School.
20	Baksi, Kritichandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhaney	...	17	City School Nagpur.
	Balkrishna Govind Devaikaar	...	19	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	" Asutosh	...	18	Boinchi B. L. Institution.
	" Barnacharan	...	14-4	Free Church Institution, Chinsurah.
	" Banwaribhushan	...	17-10	Banwaribad H. C. E. School.
	" Baradaprasad	...	15-3	Konnagar H. C. E. School.
	" Bhubaneswar	...	14	Serajganj H. E. School.
30	" Bibankrishna	...	15	Bali, Rivers Thomson School
	" Jogeschandra	...	16	Baikal Zila School.
	" Jogindranath	...	17	Bhagalpur Zila School.
	" Kirtichandra	...	20	Ruplal Raghunath School.
	" Lalbihari	...	16-4	Metropolitan Instn., S. Branch.
	" Manmathnath	...	17-8	Khulna Zila School.
	" Matilal	...	18-2	New Indian School.
	" Natabihari	...	18-4	Ditto.
	" Pannalal	...	18	Midnapur Collegiate School.
	" Prabhatichandra	...	16	Sanskrit Collegiate School.
40	" Prandhan	...	16-2	Silpur H. C. E. School.
	" Rajendrachandra	...	17-4	Jagannath Collegiate School.
	" Rajkumar	...	16	Nabadwip Hindu School.
	" Saradaprasad	...	16	South Suburban School, Bhowanipur
	" Saratchandra	...	19	Naryanganj H. C. E. School.
	" Saratchandra	...	17-6	Shuljehampur High School.
	" Saratkumar	...	16-4	Hardoi High School
	" Sasibhushan	...	18	Nowgong Cantonment School.
	" Sripati	...	11-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	Bapu Waman	...	16	Jabalpur Collegiate School.
	Baranasiprasad	...	18	Monghyr Zila School.
	Barua, Mathuramohan	...	17-5	Gauhati High School.
	Basu, Adhurechandra	...	18-3	Bishenpur H. E. School.
	" Amalananda	...	15	Dacca National School.
	" Chandramadhab	...	18	Free Church Institution, Chinsurah.
	" Girischandra	...	15-5	Serajganj H. E. School.
	" Ramanimohan	...	21-1	Jenkin's School, Cooch Behar.
	" Sasibhushan	...	15	Albert Collegiate School.
60	Boni Madho Lal	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhabanicharan	...	17	Chandernagar School.

	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	" Munmathanath	...	15-6	Uttarpara School.
	" Rasikchandra	...	18	Dacca Pogose School.
	" Saratchandra	...	14	Natal H. E. School.
	" Udaykanta	...	15	Ripon College.
	" Upendranath	...	18	Allahabad Government High School.
79	Bhaumik, Gagacharan	...	18	Rangpur Zila School.
	" Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lal	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	...	17-3	Dinapur Aided School.
	Bireshwarnath	...	19	Balanpur Lyall Collegiate School.
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	" Hiralal	...	20	Ripon College.
	" Narendrakrishna	...	15	Dasghara School.
	Bonny, F.	...	14-5	St. Francis de Sales' School.
80	Brahmaniker Ramchandra Krishna	...	19-5	Indore Madrasa.
	Chhajoo Singh	...	18	Meerut Government High School.
	Chhotay Lal	...	20	Private Student.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	" Bipinbihari	...	17	Albert Collegiate School.
	" Brindabanchandra	...	18	Commillah Zila School.
	" Chandrakumar	...	16-2	Chittagong Collegiate School.
	" Dipanath	...	16	Chatmohar Sambhunath School.
	" Gokuleharan	...	15	Dacca National School.
	" Gopalchandra	...	15	Rajshahye Collegiate School.
90	" Lalitmohan	...	19-6	Dacca National School.
	" Saratchandra	...	16	Sanskrit Collegiate School.
	" Srischandra	...	15-6	Metropolitan Institution.
	" Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh.
	Chattopadhyay, Adharnath	...	15-4	Barasat Government School.
	" Ambujkumar	...	15-3	Hare School.
	" Bholanath	...	16-2	Metropolitan Institution.
	" Bhodkumar	...	17-3	Howrah Bible H. C. E. School.
	" Debendranath	...	17	Searsole H. E. School.
100	" Harischandra	...	15-10	Mirzapur Government High School
	" Hemkamal	...	15-3	Dacca Pogose School.
	" Kurumamay	...	17	Burdwan Raj Collegiate School.
	" Narayanchandra	...	18-9	Arindala H. E. School.
	" Natayandus	...	15-8	Bali, Rivers Thompson School
	" Pratapchandra	...	18	Lauhajang H. C. E. School.
	" Purnachandra	...	19-4	Kandi School.
	" Ramratan	...	16	Bankura Zila School.
	" Sitalchandra	...	17	A. P. Mission School, Allahabad
	" Srinarayan	...	13	Free Church Institution, Chinsurah.
110	" Upendranath	...	20	P. Gopinathpur School.
	Chaudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
	" Harendrachandra	...	20	Sylhet Government High School.
	" Hridaynath	...	20-6	Graham School, Tangail.
	" Nagendranath	...	16	Metropolitan Institution.
	" Padmakumar	...	17	General Assembly's Institution.
	" Priyanath	...	18	Kutwa H. E. School.
	Chunni Lal	...	19	Barcilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah
120	" Baidyanath	...	16-3	Town School, Midnapur.
	" Dalimchandra	...	17-5	Tejpur High School.
	" Durgacharan	...	17-5	Kandi School.
	" Harkishen	...	19-6	Agra Collegiate School.
	" Hridaychandra	...	17-4	Habiganj High School.
	" Iewarchandra	...	15	Hare School.
	" Jugadananda	...	20	Sylhet National School.
	" Jagamohan	...	21	Ditto.
	" Jaygopal	...	16	Barasat Government School.
	" Jaykrishna	...	18	Agra Collegiate School.
	" Kanailal	...	16-8	Natal H. E. School.
130	" Lahmohan	...	16-8	Balasore Zila School.
	" Maheswar	...	19-2	Barpeta H. E. School.
	" Madhusudan	...	18-7	Town School, Midnapur.
	" Nabinchandra	...	18-3	Dacca National School.
	" Nikunjabihari	...	16-4	Barisal Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Snyamchand	...	18	Ravenshaw Collegiate School, Katak.
	Dasgupta, Baradacharan	...	15-3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajamohan Institution, Barisal.
140	„ Nagendramuth	...	14	Kaha H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinkumar	...	15	Metropolitan Institution.
	„ Bamacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Gurucharan	...	17	Rangpur Zila School.
	„ Jyotindramath	...	17	Ravenshaw Collegiate School, Katak.
	„ Mahesachandra	...	16-8	Dacca Collegiate School.
	„ Nagendraachandra	...	15	Cachar High School.
	„ Nisikanta	...	15-11	Dacca National School.
150	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta.
	„ Pulinbihari	...	16	Teacher.
	„ Saraduprasad	...	19	Ghatal H. C. E. School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Sibpur H. C. E. School.
	De, Gimsachandra	...	16-10	L. M. School, Midnapur.
	„ Gopalachandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institution, Chinsurah.
	„ Mahimachandra	...	18-4	Sylhet Government High School.
	„ Mukundalal	...	17-6	Serajganj H. E. School.
160	„ Nabinechandra	...	17-11	Kisorganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution.
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramachandra	...	20-4	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College.
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dube, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	„ Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalam	...	15-5	Benares Collegiate School.
170	Gonesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur.
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhum School.
	„ Makhanlal	...	13	Kuchikol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School.
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School.
	Gargari, Satishchandra	...	17	Chandernagar School.
	Ghose, Minna	...	.....	Amritsar Alexandra School.
180	Ghosh, Abinashchandra	...	15-6	General Assembly's Institution.
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School.
	„ Debendranath	...	18	Alhambad Government High School.
	„ Gopalachandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpur Zila School.
	„ Hirahul	...	17	Calcutta Institution.
	„ Janendranath	...	16	Hughli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School.
190	„ Kaliprasanna	...	17	Ditto.
	„ Nandlal	...	16-4	Oriental Seminary.
	„ Rajendranath	...	17	Mymensingh Institution.
	„ Ramanimohan	...	16-10	Kandi School.
	„ Saratchandra	...	16	South Suburban School, Bhowanipur.
	„ Satishchandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariahat H. E. School.
	„ Ramchandra	...	19	Kankala H. C. E. School.
	Girijadyal	...	20-11	Lakshimpur Govt. High School.
	Goppi, Dwarikanath	...	15	Nowgong High School.
200	Goswami, Bhupati	...	18-5	Khanakul K. Institution.
	„ Ramanimohan	...	17-6	Ditto.
	„ Upendragopal	...	17-8	Jangipur H. E. School.
	Govind Vishnu Chitaley	...	17-6	Jubbulpur Collegiate School.
	Guha, Mahananda	...	20	Dacca National School.
	„ Nutanachandra	...	21	Chittagong Collegiate School.
	„ Satishchandra	...	17	Mymensingh Zila School.

	Gupta, Bimala	...	...	Eden Female School, Dacca.
	" Kaminikanta	...	16	Free Church Institution, Calcutta.
	" Rasamay	...	18-8	Brajmohan Institution, Barisal.
210	Hajra, Gurudas	...	16-9	Dacca National School.
	" Raghunandan	...	16	Patrasaer H. E. School.
	Hamilton, G.	...	18-5	St. Xavier's College.
	Harakh Prasad	...	20-6	Teacher.
	Hargu Lal	...	18	Ambala Mission High School.
	Hari Wakratund Munje	...	22-4	Private Student.
	Har Narayan Prasad	...	19	Allahabad Kayastha Pathshala.
	Har Prasad	...	15-9	Agra Collegiate School.
	Harprasad Agnihotry	...	15-7	Jabalpur Collegiate School.
	Hazaree Sah	...	16	Mukerjee's Seminary, Mozufferpur.
220	Imtiyaz Ahmad	...	19	Pertapgarh High School.
	Jagadip Sahay	...	16	Gya Zila School.
	Jagannath Saran	...	14	Chapra Academy.
	Jai Lal Sah Chakurayat	...	22-7	Teacher.
	Jiyalal Tewari	...	18-9	Jabalpur Collegiate School.
	Joswant Rao	...	22-3	Farakabad Mission High School.
	Kailasnath Kanuru	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra	...	20-5	Sylhet Government High School.
	" Syamaacharan	...	15-5	Howrah Govt. School.
230	Khaja, M. Ismail	...	16-2	Patna Collegiate School.
	Kosal Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai	...	19	Unao High School.
	Kumar, Barham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Ratha Ram	...	.....	Amritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala, Mritunjay Lal	...	16-3	Birbham School.
	Lalita Prada No. 1	...	17-10	Benares Collegiate School.
	Lalita Prada No. II	...	16-5	Ditto.
	Liladhar Purshad	...	20	Chapra Zila School.
240	Mahabir Prasad	...	17	Victoria School, Guzipur.
	Mahadeva Datta	...	20-8	Arrah Town School.
	Maharaj Krishna	...	17-4	Fyzabad Government High School.
	Mahes Uddin Ahmed	...	15	Behar National Institution.
	Mahmood Ali, P. S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindaprasad	...	18	Contai H. E. School.
	Maitra, Satishchandra	...	19-6	Ripon College.
	" Umeshchandra	...	17-3	Bogra Zila School.
	Majumdar, Basantakumar	...	17-2	Dacca Collegiate School.
	" Charukrishna	...	17	Hinda School.
250	Malir, J.	...	16-6	St. Fidelis' School.
	Mallik, Bhupondrachandra	...	15	Hughli Collegiate School.
	" Maniklal	...	15	Ditto.
	" Nirmulchandra	...	16-4	Naral H. E. School.
	" Phanilal	...	16	Hughli Collegiate School.
	Mandal, Chintamani	...	20	Searsole H. E. School.
	" Madhusudan	...	17-3	Bishenpur H. E. School.
	" Sisirkanta	...	16	Barisa H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
	Mitra, Bijaykumar	...	15-4	Metropolitan Institution S. Branch.
260	" Gopalchandra	...	16	Hare School.
	" Kalidas	...	17-2	Benares Collegiate School.
	" Krishnapada	...	17	Metropolitan Institution,
	" Mrigendralal	...	18	City Collegiate School.
	" Nandalal	...	17-5	Konnagar H. E. School.
	" Nripendranath	...	16-1	Metropolitan Institution B. Branch.
	" Srischandra	...	18-8	Barabanki High School.
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalaluddin	...	18-4	Moradabad Government High School.
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School.
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School.
	" Brajendranath	...	16	Krishnagar Collegiate School.
	" Charuchandra	...	16	Ranchi Zila School.
	" Charuchandra	...	17	Hare School.
	" Harachandra	...	18	L. M. S. Institution, Bhowanipur.
	" Haridas	...	18	Isoba Moudlye School.
	" Jogindranath	...	15	Albert Collegiate School.
	" Jogindranath No. 1	...	15	Metropolitan Institution.
	" Jyotindralal	...	17	Chuadanga H. E. School.

280	Mukhopadhyay, Kaliprasanna	...	16-3	Saduhati H. E. School.
	" Krishnadhuan	...	15-4	Howrah Bible H. E. School.
	" Kshetrapada	...	14-10	Town School, Midnapur.
	" Natabar	...	15	Kuchiakol Radhaballabh, Institution.
	" Nirendranath	...	17-4	Nibodia H. E. School.
	" Pannalal	...	17	Aryan Institution.
	" Prakaschandra	...	17-3	Madrasa-i-Anwaria.
	" Ramdas	...	17-2	Banawaribad H. C. E. School.
	" Saratkumar	...	17	Dehra Dun Training School.
	" Sasibhushan	...	18-8	Gobardanga H. E. School.
290	" Sasibhushan	...	17	Kandi School.
	" Sitalechandra	...	17	Allahabad Government High School.
	" Sripaticharan	...	19	L. M. School, Midnapur.
	" Tarapada	...	15	Simla High School.
	Murphy, J. H.	...	17-4	St. George's School, Mussoorie.
	Naba, Iswarechandra	...	18	Jagannath Collegiate School.
	Naik, Jaydeb	...	17-4	Piyarimohan Academy, Katak.
	" Radhamadhab	...	18-1	Ditto
	Nanabhoy Nourajee Burjorjee	...	16-3	Rangoon College.
	Nandi, Amulyacharan	...	19-3	University College.
300	" Nabadwipchandra	...	17	Jagannath Collegiate School.
	Narayan Bhat	...	17	Gya Zila School.
	Pakrasi, Prasannakumar	...	16-2	Hare School.
	Pal, Hemchandra	...	17-5	Serajganj H. E. School.
	" Janakinath	...	17-3	Kumarkhali H. E. School.
	" Kisorimohan	...	19	Ripon College.
	" Mathuramath	...	17	Santosh Jalnabi School.
	Palit, Mataugicharan	...	16-4	Burdwan Raj Collegiate School.
	" Narendranath	...	18	Albert Collegiate School.
	Panda, Narendranath	...	19	Ghatal H. E. School.
310	Pande, Ramkumar	...	17	Benares Collegiate School.
	Pandit, Bihari Lal Nahru	...	18-7	Amala Mission High School.
	" Uttam Nath	...	19-6	Residency, College Indore.
	Pathak, Bijayram	...	20-3	Behar H. C. E. School.
	Patanaik, Banamali	...	16-8	Puri Zila School.
	" Satyabadi	...	18-5	Piyarimohan Academy, Katak.
	Pramanik, Pratapchandra	...	18-7	University College.
	Prayag Dutt	...	18	Unao High School.
	Prayag Das Katara	...	20-5	Allahabad Government High School
	Purnachandra	...	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	...	17-4	Allahabad Government High School.
	Raghunath Rao K.	...	18	Jabalpur Collegiate School.
	Rajaram Apajee	...	20	Free Church Institution, Nagpur.
	Rajkhawa Indradhar	...	16	Debrugarh High School.
	Rajnaram	...	17-3	Bareilly High School.
	Ramchand	...	18	Allahabad Government High School.
	Randhir Prashad	...	17-2	Ranchi Zila School.
	Ramgholam Lal	...	17	Chapra Zila School.
	Ram Kishun	...	16-6	Indhiana Mission School.
	Ramkrishna Bishnu Bhagwat	...	18-2	Jabalpur Collegiate School.
330	Rashid Husan	...	17	Moradabad Government High School.
	Ray, Abinashan Ira	...	15	Hare School.
	" Annadiprasad	...	17	Hindu School.
	" Aparbakraishna	...	15-3	South Suburban School, Bhowanipur.
	" Chandrakisor	...	15	Comillah Zila School.
	" Gopalchandra	...	18	Garbhaganpur School.
	" Indusckhar	...	16-4	Birblum School.
	" Jachindranath	...	17-4	Rajshahye Collegiate School.
	" Jnan chandra	...	19	Jagannath Collegiate School.
	" Jyotindramohan	...	16	Kutwa H. E. School.
340	" Kalikankar	...	17	Bankura Zila School.
	" Kaliprasanna	...	16-7	Rajshahye Collegiate School.
	" Krishnanath	...	16-6	Scal's Free College.
	" Pratapchandra	...	19	Bhagalpur Zila School.
	" Satyendranath	...	16-2	Pirozpur H. E. School.
	" Suryyakumar	...	17	Town School, Midnapur.
	" Tadasundar	...	17	Pabna Zila School.
	Roy Zeda Nunaylal Varma	...	16	M. A. O. College, Aligarh.
	Saha, Harendranath	...	17-10	Dighajatin H. E. School.
	Sahg Ram	...	17-3	Cumring College.
350	Sanyal, Durgadas	...	17-3	Berhampur Collegiate School.
	" Kalilochan	...	17	Chatinohar Sambhunath School.
	" Kisorimohan	...	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	" Baradasankar	...	17-5	Rajshahye Collegiate School.
	" Jagadiswar	...	19	Burdwan Raj Collegiate School.
	" Kaliprasanna	...	16-3	Rajshahye Collegiate School.
	" Manmathanath	...	15	Krishnagar A. V. School.
	" Narayanchandra	...	16-6	Jirat Chandrakona H. E. School.
360	" Saratchandra	...	18	Midnapur Collegiate School.
	" Satinath	...	18	Chuadanga H. E. School.
	" Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	" Hemchandra	...	14-6	Hindu School.
	" Lalitmohan	...	14	Ditto.
	" Manmathanath	...	14	Metropolitan Institution.
	" Matilal	...	16	Sodpur School.
	" Prakritiprasanna	...	17-5	Albert Collegiate School.
	" Sureschandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	" Debendranath	...	16	Jessore Zila School.
	" Indranarayan	...	16-6	Birbhum School.
	" Mahendrachandra	...	19-3	Nabadwip Hindu School.
	" Rasbihari	...	17	Bagirhat H. E. School.
	Sot, Praphullaachandra	...	16	Metropolitan Institution.
	Shaik Baboo Jan	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarut Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabalpur Collegiate School.
380	Show Parshad	...	18	Bareilly High School.
	Shiva Bart Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongal Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lal	...	16	Chapra Zila School.
	Sinha, Baijnath	...	17	Balia School.
	" Brijkumar	...	17-8	Teacher.
	" Indranarayan	...	16-8	Kandi School.
	" Jogindranarayan	...	18-11	Uttarpara School.
390	" Kedarnath	...	16-1	Mozufferpur Zila School.
	" Tarinicharan	...	16	L. M. S. School, Khagra.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Abdul Sattar	...	19	Sylhet Government High School.
	Syed Mahmud Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripathi, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnoo Gopal Naik	...	16	Jabalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,  
The 17th May 1886.

W. GRIFFITHS,  
Registrar.

## INSPECTOR GENERAL OF MILITARY WORKS.

*Account of Government Promissory Notes deposited as Security for the faithful performance of Contracts by persons having dealings with the Military Works Department as per Register kept by the Examiner and posted to the 31st March 1886.*

Item.	Name, occupation and address.	AMOUNT OF INVESTMENT.				Name of officer to whom interest is sent.	REMARKS.
		4½ per cent. of 1870.	4½ per cent. of 1879.	4 per cent. of 1865.	Various 4 per cents.		
<i>Notes converted into Trust Stock by Comptroller General.</i>							
1	Narain Das, Cashier, Rawalpindi Division	1,000	..	..	..	Examiner of Accounts, Military Works.	Balance in hand on 31st March 1886.
2	Gunga Ram, Cashier, Umballa Division	...	..	1,000	...		Do.
3	Anant Ram, Storekeeper, Ferozepore Division	...	..	500	..		Do.
4	Chunder Coomar Banerjee, Cashier, Fort William Division	...	..	500	1,500		Do.
5	Mudho Soodun Chowdry, Cashier, Barrackpore Division	...	..	2,000	..		Do.
6	Gopee Mohun, Storekeeper, Allahabad Division	...	..	..	1,000		Do.
7	Sree Nath Makerjee, Storekeeper, Fort William Division	...	..	..	1,000		Do.
8	Khooshal Roy and Co., Cashiers, Meerut Division	...	..	1,000	..		Do.
9	Kidar Nath Chatterjee, Storekeeper, Barrackpore Division	...	..	500	...		Do.
10	Thundon Mull, Cashier, Umballa Division	...	..	..	2,000		Do.
11	Bhador Singh, Storekeeper, Umballa Division	...	..	500	..		Do.
12	Adams Monument Fund, Agra Division	...	..	..	3,000		Do.
13	Hari Das Bose, Cashier, Ferozepore Division	...	..	500	..		Do.
14	Surendro Nath Roy, Storekeeper, Lucknow Division	...	..	...	500		Do.
15	Prabhu Dial Tewary, Storekeeper, 1st Division, S. I. C.	...	..	..	500		Do.
16	Boodhoo Ram, Storekeeper, Lahore Division	...	..	500	..		Do.
TOTAL CONVERTED INTO STOCK		1,000	...	7,000	9,500		

*Held in safe custody, by Agent Bank of Bengal, Lahore.*

17	Nanuck Chund, Contractor, Umballa Division	..	..	..	500	Interest: not to be drawn.	Balance in hand on 31st March 1886.
18	Maun Singh, Contractor, Meerut Division	..	..	500	..		Do.
19	Maun Singh, Contractor, Meerut Division	..	..	..	500		Do.
20	Kheah Ram, Contractor, Meerut Division	..	..	..	500		Do.
21	Ajoodiah Pershaud, Contractor, Meerut Division	..	..	..	500		Do.
22	Banra Churn Banerji, Contractor, Barrackpore Division	..	..	..	100		Do.
23	Krishno Nath Ghose, Contractor, Fort William Division	..	..	500	..		Do.
24	Nil Cant Chatterji, Contractor, Fort William Division	..	..	..	100		Do.
25	Tarriney Churn Sen, Contractor, Fort William Division	..	..	..	100		Do.
26	Upendro Nath Day, Contractor, Fort William Division	..	..	..	100		Do.
27	Behary Churn Sen, Contractor, Fort William Division	..	..	..	100		Do.
28	Meehir Lall Dass, Contractor, Barrackpore Division	..	..	..	100		Do.
29	Noor Buksh, Contractor, Meerut Division	..	..	..	500		Do.
30	Chiranji Lall, Contractor, Meerut Division	..	..	500	..		Do.
31	Meehir Lall Dass, Contractor, Barrackpore	..	..	..	1,000		Do.
32	Bhola Pershaud, Contractor, Meerut	..	..	..	500		Do.
33	Nand Ram, Contractor, Meerut	..	..	1,000	..		Do.
34	Nand Ram, Contractor, Meerut	..	..	700	..		Do.
35	Behary Churn Sen, Contractor, Barrackpore	..	..	500	..		Do.
36	Bama Churn Banerji, Contractor, Barrackpore	..	..	..	100		Do.
37	Nur Lall, Contractor, Meerut	..	..	..	500		Do.
38	Meehir Lall Dass, Contractor, Barrackpore	..	..	..	100		Do.
39	Behary Churn Sen, Contractor, Barrackpore Division	..	..	..	200		Do.
40	Bama Churn Banerji, Contractor, Barrackpore Division	..	..	..	100		Do.
41	Ajudhia Pershaud, Contractor, Meerut Division	..	..	500	..		Do.
42	Babu Abinash Chunder Snor, Contractor, Barrackpore Division	..	..	..	100		Do.
43	Ram Lal, Contractor, Ferozepore Division	..	..	..	1,000		Do.
44	Messrs. Walsh Lovett and Co., Contractors, Barrackpore Division	..	..	1,500	..		Do.
45	Messrs. Burn and Co., Contractors, Barrackpore Division	..	..	1,200	..		Do.

A. E. WARD, Major, S.C.,  
for Offg. Inspector General.  
Military Works.

# AGENT TO THE GOVERNOR GENERAL, BALUCHISTAN.

## NOTIFICATION.

*Quetta, the 13th May 1886.*

**No. 2047.**—The Agent to the Governor General is pleased to permit Lieutenant Dinshaw Dossabhoj Khambatta to resign his commission in the Baluchistan Volunteer Rifle Corps

By Order,

IVAR MACIVOR, *Captain,*  
*1st Asst. to the Govr. Genl.'s Agent*  
*in Baluchistan*

# AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATIONS.

*Indore Residency, the 13th May 1886*

**No. 1896.**—Sahebzada Wahid-ud-din, At-taché to the Governor General's Agent in Central India, is granted six weeks' privilege leave, with effect from the 20th May 1886, or such subsequent date as he may avail himself of it

*The 15th April 1886*

**No. 1940.**—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name:—

Name	DATE OF COMPLETION.		Date of passing Professional Examination.	Date of promotion.
	14 years	7 years		
WITH ENGLISH QUALIFICATION. Bhawur Singh, on Reserved Establishment at Indore.	Apr. 22, 1885	Apr. 22, 1886	Apr. 28, 1886	Apr. 27, 1886

By Order,

F. L. PETRE,  
*1st Asst. Agent to the Govr. Genl.*  
*for Central India*

# AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

## NOTIFICATION

*Abu, the 15th May 1886.*

**No. 1156 G.**—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, availed himself on the 9th May 1886 of the privilege leave granted him in this Office Notification No. 815 G., dated the 14th April 1886.

By Order,

HUGH DALY,  
*for 1st Asst. to the Agent to the Govr. Genl.,*  
*Rajputana.*

# CHIEF COMMISSIONER OF AJMERE MERWARA.

## NOTIFICATIONS.

*Mount Abu, the 15th May 1886.*

**No. 506-390.**—With reference to this Office Notification No. 380-390, dated 15th April 1886, Assistant Surgeon Gopal Chandra Mukerji, M.B., resumed charge of his duties at Beawar from 2nd Class Hospital Assistant Muhammad Abdul Wahid, on the forenoon of the 4th May 1886.

*The 17th May 1886.*

**No. 512-330 II.**—Under sections 12 and 37, Act X of 1882 (Criminal Procedure Code), Captain A. M. Muir, Cantonment Magistrate, Nusseerabad, is invested, with effect from the 10th of April 1886, with the powers of a Magistrate of the 1st class and the power to try summarily the offences mentioned in section 260 of the said Act.

The above powers to be exercised within the Ajmere District

By Order,

HUGH DALY

*for 1st Asst. to the Agent to the Govr. Genl.*

# DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS—ESTABLISHMENT.

*Simla, the 12th May 1886.*

**No. 44.**—With reference to Public Works Department Notification No. 123, dated 6th May 1886, Mr. A. Greenlees, Assistant Engineer, 1st Grade, is posted to the Eastern Bengal State Railway

*The 17th May 1886.*

**No. 45.**—Mr. A. Sprenger, Executive Engineer, 1st Grade, is granted furlough to Europe for eighteen months, with the usual subsidiary leave, with effect from 15th May 1886, or such date as he may avail himself of the same.

**No. 46.**—With reference to Public Works Department Notification No. 130, dated 14th May 1886, the undermentioned Officers are posted to the Sind-Pishin State Railway, Northern Section—

Mr. T. E. Curry, Executive Engineer, 3rd Grade, sub. *pro tem*

Babu Krishna Chunder Bandyopadhyaya, Executive Engineer, 4th Grade temporary rank.

Mr. A. G. Bremner, Assistant Engineer, 2nd Grade.

F. S. STANTON, *Colonel, R.E.,*  
*Director General of Railways.*

RESIDENT IN MYSORE.

*Catalogue of Books printed in the Civil and Military Station of Bangalore, and registered under the provisions of Act XVI. of 1807, during the Quarter ending 31st March 1886.*

[illegible]

BANGALORE,  
The 13<sup>th</sup> April 1886.

Revised and annotated  
L. RICE,  
*Director of Publication, Education*

**F. P. MALTBY, Major,**  
Colonel and District Magistrate,  
Civil and Military Station.

**H. CLARKE,**  
F. & A. Assistant to the Resident.

### Statement of Silver Balance in the Calcutta Mint for the week ending 19th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 12th May 1886	6,25,329	
Value of Government silver in the Mint on the same date	7,59,475	13,84,804
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	9,449	
Ditto ditto Government	274	9,723
<b>Deduct—</b>		
New coin paid to Reserve Treasury during the week	2,56,742	13,94,527
Petty items issued for miscellaneous purposes	...	2,56,742
Balance on the evening of the 19th May 1886	...	11,37,785
The Balance comprises—		
Silver held on account of the Currency Department	2,56,931	
Ditto ditto Government	8,78,154	11,37,785
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,54,156	
Ditto ditto Currency Department	55,85,350	58,39,506

A W BAIRD, Major, R.E.

Offg. Master of the Mint.

CALCUTTA MINT.

The 19th May 1886.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned —

#### Burma Circle.

##### NOTES WHOLLY LOST OR DESTROYED

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
W1	Q 6—09479	100	
	" — 09480	100	
	" — 09481	100	
	" — 09482	100	
	" — 09483	100	
	" — 09484	100	
	" — 09485	100	
	" — 09486	100	
	" — 09487	100	
	" — 09488	100	
	" — 09489	100	
	" — 09490	100	
	" — 09491	100	
	" — 09492	100	
	" — 09493	100	

RANGOON,

The 13th May 1886.

W. D. COWLEY,

Asst. Comptroller, Paper Currency.

#### Madras Circle.

##### NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant
		₹	
2	B 74—50057	500	D. Venkatachelapa ti Rao, Repalle.
3	B 86—40420	100	Post Master General, Madras

FORT ST. GEORGE,  
The 10th May 1886.C. HALL,  
Chief Superintendent,  
In charge of Paper Currency Dept

### FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1½ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a clamp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rotherham, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £150 12s 8d.

Landing in Calcutta plus }  
for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,

Principal Assistant to Opium  
Agent, Bihar, Patna

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect parcels will be received at any Indian Post Office for transmission *via* the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola)

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 11th May 1886.

No. 2224.—Mr. G. R. Peter, Post Master, Calicut, is appointed to officiate as Examiner, Post Office, Bangalore Division.

G. J. HYNES,

Offg. 1st Asstt. Dir. Genl. of the Post Office of India

Unclaimed letters held in the Calcutta General Post Office on 18th May 1886.

Adels, Mrs. C. F.	Genshamp, G. J.	Schulze, W.
Allen & Co., W. H.	Hill, R. H.	Thomson, T. G.
Drake, R.	Morton, Mrs. A.	Tollman, H.
Fletcher, Mrs.		

Letters marked "Care of Post Office."

Anan, A.	Gudfrey, J. B.	Peterson, Dr. Geo.
Barkley, Master O.	Gundul, Mrs.	Phelps, W. G. St. V.
Barnes, G. J.	Gow, J. F.	Poyer, J. O.
Barnett, Mrs. James.	Grant, Mrs. M.	Prentiss, R. C. Campbell.
Bates, J. N.	Guthrie, Norris.	Pole, Mrs. C. J.
Bigex, Mon. E.	Groscman, St. L.	Randall, J.
Booth, P.	Guthrie, H. J.	Remington, Capt. F. A.
Bose, P. N.	Harlan, Esq.	Rice, W. D. J.
Bowers, S.	Hill, J. J.	Rishworth, R. J.
B. R.	Hutton, T. C. O.	R. M. E. Miss.
Brenner, Baron de	Human, Capt. C.	Ross, G. W.
Bush, C.	Human, J. M.	Saltin, Miss M.
Capel, J. C. O.	J. M. M.	Schmid, Otto.
Cave, Capt. A. I.	Johnston, J. I. D.	Shalpe, Capt. A.
C. H. H.	Kelly, Miss. G.	Shaw, H. J.
Clarke, F. G.	K. I. M.	Smallwood, Geo.
Cohen, Mr.	Kuttridge, J.	Smart, Mrs. R. H.
Crawford, J.	Lee, J. J.	Smith, Perry St. C.
De-sa, H. T.	Le-maitre, A.	Smith, J. M.
Dinnick, Basil	M. G.	Sole, R. V. A. B.
D. Mello, J. S.	Macquarrie, T.	Spect, A. F.
Dodd, C. B. N.	M. D. J. J.	Stamish, Walter.
Dowling, D. G. A.	M. Donald, Miss.	Stone, Mrs. T.
D. Rozario, Mrs. J.	M. Loughlin, John.	Storey, A.
D. J. J. Surgeon F. J.	M. L. J. J.	Straw, Mrs. R.
Dufour, Madam	M. L. J. J.	Swinger, Mr. C.
Dukes, Mr.	M. L. J. J.	Tams, J.
Dumblis, Mr.	M. L. J. J.	Todd, H. J.
E. W. J. J. H.	M. L. J. J.	Tonzel, Rev. C. J. C.
E. W. J. J. H.	M. L. J. J.	Wade, Mrs.
Entwistle, R.	M. L. J. J.	Walker, P. C.
F. J. J. J.	M. L. J. J.	Ward, Lieut. B. R.
Fox, R. C. W.	M. L. J. J.	Wessend, Mr. H.
Geyer, A. H.	M. L. J. J.	Wilson, Mrs. Mark.
Gilbert, Mrs. M.	M. L. J. J.	

Registered Letters.

Anderson, James.	Grogan, H. C.	Ross, A.
Brenner, Baron Joachim.	Guerrier, H. J.	Sterzillies, David.
DeGruy, Ther. J.		

Unclaimed Letters held in the Bangalore Post Office on the 17th May 1886.

Agar, H.	Bowell, W.	Pitch, J.
Arrakich, M.	Hart, F. H.	Pearson, Rev. A. C.
Banerjee Gopal Sunder	Hay, W.	Riddall, W.
Barnett, I. T.	Holmes, F. A.	South, W.
Barker, Sub-conductor	Indle, J.	Thomas, Major C. F.
Bassman, J.	Nichols, J.	Todd, Mrs.
Byrle, A. C.	Owen, M. S.	Towbert, C. H.

J. BURTON GROVES,

Offg. Presidency Postmaster, Calcutta.

The 22nd May 1886.

SRA AND FOREIGN MAILS

Mails for	Date of closing at Calcutta	Route by which dispatched
1886		
Egypt, Europe, America, Cape Colonies through United Kingdom	22nd May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	24th "	Ditto
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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, MAY 22, 1886.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL, ORDINARY ORIGINAL CIVIL JURISDICTION.

Messrs. John Smeal and Company, Silchar, Cachar,  
against

John Walter Walken, late of No. 107, Circular Road, in the Town of Calcutta, Civil Engineer, and now a prisoner in the Presidency Civil Jail,  
and

In the matter of Act XIV of 1882 (the Code of Civil Procedure) Chapter XX.

Notice is hereby given that by an order of this Court made in the above cause and dated the 3rd day of March last, John Cameron Macgregor, Esq., the Officiating Official Assignee of the Court for the Relief of Insolvent Debtors at Calcutta, has been appointed Receiver of all the properties of the said John Walter Walken, who has been declared an Insolvent under the provisions of Section 351 of Act XIV of one thousand eight hundred and eighty-two, except the particulars specified in the first proviso to Section 266 of the said Act, and the creditors of the said insolvent are required to appear before the Commissioner of this Court for the Relief of Insolvent Debtors at Calcutta, on Wednesday, the 2nd day of June next, at the hour of 11 o'clock in the forenoon, and produce evidence of the amount and particulars of their respective claims.

Dated this 17th day of May one thousand eight hundred and eighty-six.

W. F. GILLANDERS,  
*Attorney.*

R. BELCHAMBERS,  
*Registrar.*

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BAMA CHURN MITTER,  
*Pleader, Small Cause Court*

#### Stolen.

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,  
*Abkary Contractor, residing at Porayar,  
near Tranquebar.*

QUILON,  
*The 25th October 1885.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 22. }

SIMLA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor-General's Council assented to by the Governor-General.—

*Nothing for publication.*

PART V.—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Indian Bankruptcy Bill, 1886.

SUPPLEMENT No. 23.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.

##### PUBLIC.

*Simla, the 24th May, 1886.*

**No. 737.**—The HONOURABLE MAJOR-GENERAL THOMAS ELLIOTT HUGHES, C.I.E., R.A., an Ordinary Member of the Council of the Governor-General, died this morning at 10 o'clock.

The Governor-General in Council notifies this mournful event to the community with the deepest regret, and he requests that the Officers of Government, Civil and Military, will attend the funeral of the late Major-General Hughes, assembling for this purpose at his residence at 7-30 o'clock tomorrow morning.

His Excellency in Council has directed the Flag at Fort William to be lowered to half mast high during the whole of tomorrow, and 15 minute guns to be fired during the funeral.

##### MEDICAL.

*The 26th May, 1886.*

**No. 213.**—*Appointment.*—Surgeon-Major D. Wilkie, M.B., to officiate as Statistical Officer to

the Government of India in the Sanitary and Medical Departments from the date of assuming charge during the absence on deputation of Surgeon-Major A. Stephen, or until further orders.

##### JUDICIAL.

*The 28th May, 1886.*

**No. 707.**—Consequent on the appointment of Mr. W. E. Ward, M.A., C.S., to be Judicial Commissioner of British Burma, Mr. H. Lattman Johnson, C.S., is conferred in the Office of Judge and Commissioner of the Assam Valley Districts.

##### EDUCATION.

*The 25th May, 1886.*

**No. 163.**—Under Section 12 of Act II of 1857, the Governor-General in Council is pleased to authorise the affiliation of the Narail High School, in the District of Jessore, to the Calcutta University in Arts up to the U. A. Standard, with effect from the 1st June, 1886.

##### PATENTS.

*The 22nd May, 1886.*

**No. 613.**—Specifications of the undermentioned inventions have been filed, under the

provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 146 of 1885.—John Edward Dowley Wise, of No. 4, European Asylum Lane, Calcutta, Engineer, for the extraction and treatment of the Rhea Fibre, also known as the Ramie or China grass.

No. 178 of 1885.—Robert Ellis Green, of Bedford, in the County of Bedford, England, Gentleman, for improvement in treating or preparing the tea leaf for the market and in the appliances or means employed thereon.

No. 46 of 1886.—Samuel Cleland Davidson, of B.P.O. Ireland, Merchant, for improvements in the manufacture of condiments or decoctions of coffee, and cocoa.

No. 50 of 1886.—Charles Shand, Estate Agent of Colombo, in the Island of Ceylon, for an improved method of drying tea.

#### FORESTS.

*The 27th May, 1886.*

No. 431 F.—With reference to the Notification of this Department No. 316 F., dated the 22nd ultimo, Mr. A. E. Brown, officiating Deputy Conservator of Forests of the 4th Grade in the North-Western Provinces and Oudh, is appointed to officiate as Deputy Director of the Forest School at Duhra Dun, during the absence of Mr. E. E. Fernandez on special duty in connection with the preparation of Working-Plans of Forests.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 25th May, 1886.*

No. 1082 G.—Mr. C. E. R. Girdlestone, C.S., Resident of the 2nd Class, and Resident in Nepal, is granted one month's privilege leave, with effect from the 26th May, 1886, on the date on which he may avail himself of it.

No. 1084 G.—Captain C. Herbert, Political Assistant of the 1st Class, sub. *pro tem.*, and Assistant to the Governor-General's Agent in Rajputana, is appointed to officiate as an Additional Political Agent of the 2nd Class, and is posted as Political Agent in Bhurtpur and Kerowlee, with effect from the 30th April, 1886, during the absence on privilege leave of Colonel C. B. Euan-Smith, C.S.I., or until further orders.

*The 27th May, 1886.*

No. 1093 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Oscar von Hoffer, as Acting Consul for Sweden and Norway at Bombay, during the absence of Mr. J. Janni.

##### INTERNAL.

*The 27th May, 1886.*

No. 1738 I.—In Foreign Department Notification No. 1217 I., dated the 19th April, 1886, Sardar Bahadur Bhagat Singh should have been described as Executive Engineer, 4th Grade, Public Works Department, Rajputana.

##### EXTERNAL.

*The 26th May, 1886.*

No. 1018 E.—Foreign Department Notification No. 598 E., dated the 8th April, 1886, replacing the services of Mr. J. H. Lacey, Assistant Conservator of Forests, of the 1st Grade, at the disposal of the Punjab Government, is hereby cancelled.

H. M. DURAND,

*Secretary to the Government of India*

#### DEPARTMENT OF FINANCE AND COMMERCE.

##### NOTIFICATIONS.

##### LEAVE AND APPOINTMENTS.

*Simla, the 27th May, 1886.*

No. 1012.—Mr. S. Sullen, Presidency Post Master, Madras, having been appointed to officiate temporarily as Post Master General, Madras, in addition to his own duties, received charge of the latter office from Mr. M. Hammick after noon on the 13th May, 1886.

The services of Mr. M. Hammick are replaced at the disposal of the Government of Madras, with effect from the 14th May, 1886.

*The 28th May, 1886.*

No. 1034.—The following promotions and reversions of officers of the Account Department are hereby notified.—

With effect from the 5th April, 1886, in consequence of the departure on privilege leave of Mr. A. H. Anthony,—

Mr. W. H. Egerton to officiate as Enrolled Officer, Class V.

With effect from the 19th April, 1886, in consequence of the departure on privilege leave of Mr. E. S. Byrne,—

Mr. J. E. Cooke to officiate as Enrolled Officer, Class I.

Mr. H. G. H. Cowie to officiate as Enrolled Officer, Class II.

Mr. J. Taylor to officiate as Enrolled Officer, Class III.

Mr. W. T. Piercy to officiate as Enrolled Officer, Class IV.

With effect from the 21st April, 1886, in consequence of the departure on privilege leave of Mr. E. Gay,—

Mr. E. F. T. Atkinson to officiate as Comptroller and Auditor General.

Mr. A. C. Tupp to officiate as Accountant-General, Class I.

Mr. E. J. Sinkinson to officiate as Accountant-General, Class II.

Mr. E. W. Kellner to officiate as Accountant-General, Class III.

Mr. W. Wells to officiate as Enrolled Officer, Class I.

Mr. J. Taylor to officiate as Enrolled Officer, Class II.

Mr. C. J. Rivett-Carnac to officiate as Enrolled Officer, Class III.

Mr. H. Oung to officiate as Enrolled Officer, Class IV.

With effect from the 29th April, 1886, in consequence of the return from privilege leave of Mr. H. S. Groves,—

Mr. H. Oung to revert to his officiating appointment as Enrolled Officer, Class V.

**No. 1033.**—*Erratum.*—In line 25 of the Notification of this Department No. 275, dated the 16th April, 1886, for "Moung Hla Oung," read "Mr. R. C. Chapman."

**No. 1077.**—Mr. E. Grant, Chief Superintendent in the Office of the Comptroller, British Burma, having been granted privilege leave for three months, and Mr. W. G. Clague having been appointed to officiate for him, Mr. Grant made over and Mr. Clague received charge of the said appointment after noon on the 7th May, 1886.

## CODES

*The 26th May, 1886.*

**No. 994.**

CIVIL LEAVE CODE.

PAGE 175.

Section 79.

Rule 5.

*Substitute the words "in the case of Gazetted Officers," for the words "in every case," in line 2 of this Rule*

*The 28th May, 1886.*

**No. 1038.**

CIVIL LEAVE CODE.

PAGE 209.

Section 161 (a).

*For (1) and (2) under this Section, substitute the following, after and in continuation of the word "payment" in the fourth line of the Section:—*

*"at the Home treasury of the Government of India, and, if he proceeds to any colony named in the list in Schedule C, in such colony."*

**No. 1040.**

CIVIL LEAVE CODE.

PAGE 145.

Section 2.

*Insert the following after "Hyderabad" in the eighth line of this Section:—*

*"Military Officers in Civil employ, subject to the Military Furlough Regulations of 1868, may be granted special leave under Sections 61 and 63."*

SEPARATE REVENUE, &c.

ASSESSED TAXES.

INCOME TAX.

*The 28th May, 1886.*

**No. 989.**

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Rule 16 of the Rules published with Financial Notification No. 593, dated the 5th February, 1886, prohibiting all public servants from making public or disclosing, except for the purpose of the working of Act II of 1886, any information contained in the documents delivered or produced with respect to assessments under Part IV of the said Act, and declaring that any public servant committing a breach of this Rule shall be deemed to have committed an offence under Section 100 of the Indian Penal Code

RESOLUTION.—The Government of India invites the special attention of all officers concerned with the working of Act II of 1886 to the Rule read in the preamble, and further directs that all officers engaged in working the Act shall not merely not disclose any information of the character above referred to, but shall be most careful, as far as practicable, to regulate their proceedings in such manner as to prevent information which should be kept secret becoming known. Information of this nature, it should be precautionally noted, is to be withheld by officers enforcing the Act from persons in the employment of assesseses.

ORDER.—Ordered, that the above Resolution be communicated to the several Local Governments and Administrations, and that it be published in the *Gazette of India* for general information

D. M. BARBOUR,

*Secretary to the Government of India*

## MILITARY DEPARTMENT.

*Simla, the 28th May, 1886.*

APPOINTMENTS.

**No. 345.**—ADJUTANT-GENERAL'S DEPARTMENT—

Major W. V. Edis, Brigade-Major, to be an Assistant Adjutant-General on the Establishment, *vice* Lieutenant-Colonel I. Cook, who has resigned that appointment. Dated 28th May, 1886.

**No. 346.—ORDNANCE DEPARTMENT—**

In G. G. O. No. 326 of 1885, as the date of the appointment of Lieutenant-Colonel F. J. Mortimer, R.A., as Commissary of Ordnance, 1st Class, for "6th April, 1885," read "21st April, 1886."

**No. 347.—PERSONAL STAFF—**

In continuation of G. G. O. No. 188, dated the 26th March, 1886, the following temporary appointment has been made on the personal staff of Major-General G. S. White, C.B., V.C., Commanding the Forces in Upper Burma:—

Lieutenant Q. G. K. Agnew, Royal Scots Fusiliers, to be Aide-de-Camp. Dated the 5th May, 1886.

**DISMISSALS AND REMOVALS.**

**No. 348.**—The services of 1st Grade Assistant Apothecary Richard Lawrence Smyth, of the Subordinate Medical Department, are dispensed with.

**FURLOUGH AND LEAVE.**

**No. 349.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain L. J. H. Grey, Bengal S. C., Cantonment Magistrate, 2nd Class, Punjab (u. p. a.) for 121 days, under rule XI of the regulations of 1858.

Captain P. T. Baston, R.E., Adjutant, Bengal Sappers and Miners, (p. a.) for one year, under rule IX of the regulations of 1858.

**No. 350.**—The late Surgeon Major J. C. French, M.D., was on furlough out of India (m. c.) from 11th May, 1885, to 28th July, 1885, inclusive, under rule XIV, clause I, of the regulations of 1858.

**No. 351.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel F. E. Wiggins, General List, Infantry, (m. c.) for four months.

Captain T. S. M. Woolley, Bengal S. C., (m. c.) for fourteen days.

Surgeon-Major J. J. Monteath, M.D., (m. c.) for six months.

**LONDON GAZETTE**

**No. 352.**—The following extract is published for general information:—

"*London Gazette*," dated the 27th April, 1886, page 2030.

"INDIA OFFICE,  
27th April, 1886.

The Queen has approved of the following admissions to the Indian Staff Corps made by the Government in India:—

**BENGAL STAFF CORPS.***To be Lieutenants.*

Lieutenant George Murray, from the Connaught Rangers. Dated 16th July, 1883, but to rank from 1st July, 1881.

Lieutenant John Ramsay, from the Cheshire Regiment. Dated 14th January, 1885, but to rank from 9th September, 1882."

**PENSIONS.**

**No. 353.**—Conductor Edward Wadsworth, Commissariat Department, is transferred to the pension establishment.

**PROMOTIONS.****No. 354.—NATIVE ARMY—***7th Bengal Cavalry.*

Kot-Duffadar Fidali Khan to be Jemadar, *vice* Jemadar Mahomed Faridun, invalided; Duffadar Mohar Singh, from the 8th Bengal Cavalry, to be Jemadar, on augmentation,—with effect from the 1st May, 1886.

*8th Bengal Cavalry.*

Kot-Duffadars Mir Khan and Mohar Singh to be Jemadars, on augmentation, with effect from the 1st April, 1886.

*12th Bengal Cavalry.*

Kot-Duffadar Giridat Singh to be Jemadar, on augmentation, with effect from the 15th April, 1886.

*25th Bengal Infantry.*

Havildar Khar Singh to be Jemadar, *vice* Jemadar Bitin Singh, transferred to the Burmah Police, with effect from the 14th April, 1886.

**No. 355.—PUNJAB FRONTIER FORCE—***(Queen's Own) Corps of Guides.*

Ressaldar Dini Chand, Bahadar, to be Ressaldar-Major, and Ressaldar Kala Singh to be Ressaldar, *vice* Ressaldar Prem Singh, Sardar Bahadar, invalided;

Jemadar (Woordee-Major) Muhammad Khan to be Ressaldar, *vice* Ressaldar Kala Singh, promoted,—

with effect from the 19th April, 1886.

Duffadar Sindar Singh to be Jemadar, *vice* Jemadar Fateh Muhammad Khan, invalided, with effect from the 13th April, 1886.

Jemadar Sindar Singh to be Ressaldar (Woordee-Major), *vice* Jemadar (Woordee-Major) Muhammad Khan, who resigns that appointment;

Duffadar Faiz Talib to be Jemadar, *vice* Jemadar Sindar Singh, promoted,—with effect from the 19th April, 1886.

Jemadar Sing Bir to be Subadar, *vice* Subadar Dhan Bir, invalided,

Havildar Mazam Shah to be Jemadar, *vice* Jemadar Kaleh Khan, invalided;

Havildar Rari Bahadar to be Jemadar, *vice* Jemadar Sing Bir, promoted,—with effect from the 13th April, 1886.

**No. 356.—VOLUNTEER CORPS—***Oudh Volunteer Rifle Corps.*

Mr. Reginald Henry William Warneford to be Lieutenant, *vice* Lieutenant J. White, who has resigned the appointment.

Mr. Joseph Watkins to be Lieutenant, *vice* Lieutenant F. Murray, transferred to the Ghazipur Volunteer Rifle Corps.

**RETIREMENTS.**

**No. 357.**—Lieutenant-Colonel Hipplesley Cunliffe Marsh, Bengal S. C., is placed on the Retired List, with effect from the 26th May, 1886, subject to Her Majesty's approval.

## REWARDS.

## No. 358.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified :—

From the 10th December, 1885, in room of Major-General Sir Peter Stark Lumsden, G.C.B., C.S.I., Bengal S. C., succeeded to the Colonel's allowance.

COLONEL SIR JOHN HUDSON, K.C.B., BENGAL S. C.

*Dates of Commissions.*

Ensign	...	22nd April, 1853.
Lieutenant	...	9th March, 1855.
Captain	...	23rd July, 1858.
Major	...	22nd March, 1864.
Lieutenant-Colonel	...	13th June, 1870.
Brevet-Colonel	...	1st October, 1877.

*Appointments.*

Regimental duty, 63rd and 64th Foot,—22nd April, 1853, to 11th June, 1858.

Deputy-Assistant-Adjutant-General, Oudh Field Force,—20th September, 1857, to 27th November, 1857.

Brigade-Major, Shahjehanpur Field Force,—4th May, 1858, to 8th June, 1858.

Deputy-Assistant Quartermaster-General, Bengal,—12th July, 1858, to 10th October, 1858.

Brigade-Major, Bengal,—11th October, 1858, to 7th May, 1861.

Attached to Adjutant-General's Office (Queen's Troops),—15th June, 1861, to 15th October, 1861.

Deputy-Assistant Adjutant-General, Bengal,—November, 1861, to February, 1862.

Assistant Adjutant-General, Bengal,—22nd March, 1862, to 27th October, 1867.

2nd-in-Command, 21st Bengal Infantry,—May, 1868, to 9th August, 1878.

Deputy Assistant Quartermaster-General, Bengal,—1st October, 1876, to 10th May, 1877.

Commandant, 28th Bengal Infantry,—10th August, 1878, to 10th August, 1885.

Commanding Peshawar District, temporarily,—20th October, 1880, to 11th December, 1880.

Commanding Khyber Brigade,—10th January, 1881, to 28th March, 1881.

Brigadier-General (temporary), Bengal,—6th June, 1884, to 9th October, 1884.

Brigadier-General Commanding Indian Brigade, Suakin Expeditionary Force,—14th February, 1885, to February, 1886.

*War Services.*

*Persian Expedition, 1856-57.*—Storming of fort Reshire, capture of Bushire, action of Khooshab, bombardment of Mohumrah.—Medal with clasp.

*Indian Mutiny, 1857-58.*—Actions of Fatehpore, Aoung and Pandoo Nuddee; re-capture of Calcutta; actions of Oonao, Busseerutgunge, Bala-li-Chowki, Bithoor, Mungadwar and the Almorah; relief of Lucknow; defence of Lucknow (including all operations); defence of Calcutta against Gwalior Contingent; capture of Seilly and other affairs. Despatches; G. O. Nos. 1625 and 1666 of 1857, and No. 238 of 1858. Thanks of Governor-General, medal with clasp; commission as Captain and Brevet of Major.

*Abyssinian Expedition, 1867-68.*—Despatches; medal.

*Afghan War, 1879-80.*—Advance from Ali Khel to Kabul; defence of Lataband. Despatches (twice); medal and C. B.

*Soudan Campaign, 1885.*—Despatches; medal and K. C. B.

From the 20th December, 1885, in room of Lieutenant-General Sir Charles Henry Brownlow, K.C.B., Bengal S. C., succeeded to the Colonel's allowance.

SURGEON-GENERAL BENJAMIN SIMPSON, M.D., INDIAN MEDICAL DEPARTMENT.

*Dates of Commissions.*

Assistant-Surgeon	...	20th October, 1853.
Surgeon	...	26th September, 1864.
Surgeon-Major	...	1st July, 1873.
Brigade-Surgeon	...	27th November, 1879.
Deputy Surgeon-General	...	31st March, 1882.
Surgeon-General	...	29th March, 1885.

*Appointments.*

Regimental duty with Artillery recruits, 10th Bengal Cavalry, and 39th, 70th and 68th Native Infantry,—1853 to 1856.

Civil Surgeon, 24-Pergunnahs, Darjeeling and Patna,—1860 to 1881.

Deputy Surgeon-General, Southern Afghanistan Field Force and Quetta Division,—1881.

Civil Surgeon of Patna,—10th December, 1881, to 31st March, 1882.

Deputy Surgeon-General and Sanitary Commissioner, Central Provinces, Nagpur,—3rd April, 1882, to 3rd April, 1883.

Officiating Surgeon-General, Bengal,—9th April, 1883, to 20th August, 1883.

Surgeon-General, Punjab,—29th August, 1883, to 25th October, 1884.

Surgeon-General, Bengal,—26th October, 1884, to 28th March, 1885.

Sanitary Commissioner with the Government of India,—29th March, 1885, to date.

*War Services.*

*Bhootan Campaign, 1865.*—In medical charge, Rungeet and Teesta outposts,—(Frontier medal and clasp).

## No. 359.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the date specified :—

## BOMBAY.

*To the 1st Class, with the title of Sirdar Bahadur.*

Subadar-Major Dost Muhammad, Bahadur, 20th Bombay Infantry, *vice* Ressaldar-Major Sujat Khan, Sirdar Bahadur, deceased,—15th March, 1886.

*To the 2nd Class, with the title of Bahadur.*

Subadar-Major Rama Karilkar, 28th Bombay Infantry, *vice* Subadar-Major Dost Muhammad, Bahadur, promoted,—15th March, 1886.

## MARINE DEPARTMENT.

## APPOINTMENTS.

No. 23.—The undermentioned gentlemen have been appointed Assistant Engineers in H. M.'s Indian Marine, with effect from the dates noted :—

Mr. James McDonald,—9th March, 1886.

Mr. David Edward Evans,—9th March, 1886.

Mr. Henry Johnston,—23rd March, 1886.

## PROMOTIONS.

No. 24.—Mr. J. Clarke, 1st Grade Officer, H. M.'s Indian Marine, to be Commander, with effect from the 13th March, 1886.

## RESIGNATIONS.

No. 25.—Mr. J. W. Hutchison, Assistant Engineer, H. M.'s Indian Marine, is permitted to resign the service.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

## MILITARY DEPARTMENT.

## NOTIFICATION.

Simla, the 28th May, 1886.

Statement of Deposits on account of Estates from the 8th to the 28th 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					R. A. P.		
Campbell Hilary Woodhouse, (a)	Captain	Royal Sussex Regiment.	4th March, 1886	Intestate	604 12 3	...	28th July, 1886.

(a) Next-of-kin. Father.—Woodhouse, Esq.  
Address—1, Windham Place, Bryanston Square, London.

O. R. NEWMARCHI, Colonel,

Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

Simla, the 25th May, 1886.

**No. 137.**—Mr. P. B. Roberts, Executive Engineer, 2nd Grade, State Railways, is transferred from the Establishment under the Director-General of Railways to that under the Chief Commissioner of British Burma.

**No. 138.**—The following is published for general information:—

No. 504 R.T., dated 21st May, 1886.

**RESOLUTION** By the Government of India, Public Works Department.

General Rules for working the Indian Midland Railway.

Read again—

Section 8 of Act IV (The Indian Railway Act) of 1879; Public Works Department Notification No. 200, dated 13th September, 1886, publishing the General Rules for all Railways in India; and Public Works Department Circular No. 17 Ry., dated 21st August, 1886.

Read also—

Public Works Department No. 277 R.T., dated 16th March, 1886, to the Consulting Engineer for Guaranteed Railways, Lahore.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 353 T., dated 3rd April, 1886.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 480 T., dated 10th May, 1886.

**OBSERVATIONS.**—In accordance with the provisions of Section 8 of the Indian Railway Act IV of 1879, the Indian Midland Railway Company has framed a set of General Rules to be

adopted on their line, and now submits it for the approval and sanction of the Governor-General in Council.

2. The Railway Company has adopted, without deviation in any particular, the General Rules which have been approved by the Governor-General in Council and published in the *Gazette of India*, dated 18th September, 1880, and now in force on all Railways in India which were opened to traffic prior to the 1st October, 1880.

**RESOLUTION.**—With the exception of Section XVII, which refers to the working of a single line of railway on the system termed "Train Despatching" in Rule 3 of the said Rules, the Governor-General in Council is pleased to sanction, with immediate effect, the General Rules submitted by the Indian Midland Railway Company, under the conditions of Section 8 of the Indian Railway Act of 1879, for regulating the travelling upon and the use, working, and management of the Railway directed by that Company.

**ORDER.**—Ordered, that this Resolution be communicated to the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, for communication to the Agent and Chief Engineer, Indian Midland Railway Company, for information and guidance.

Ordered also, that the Rules which have already been published in the *Gazette of India* be further notified to the Railway servants and the public by a copy thereof and of this Resolution being kept open to inspection without any payment in the office of the Station Master of every station on the said Railway.

Ordered also, that this Resolution be published in the *Gazette of India*.

## TELEGRAPH.

*The 25th May, 1886.*

**No. 139.**—The following officiating appointments are made in the Indian Telegraph Department, with effect from the dates specified :

Names.	From	To	Dates.
Mr. H. E. Thompson ...	Superintendent, 3rd Grade ...	Officiating Superintendent, 2nd Grade.	20th April, 1886.
Mr. C. P. Landon ...	Superintendent, 4th Grade ..	Officiating Superintendent, 3rd Grade.	20th April, 1886.
Mr. F. Kinsman ...	Assistant Superintendent, 1st Grade, and officiating Superintendent, 5th Grade.	Officiating Superintendent, 4th Grade.	20th April, 1886.
Mr. W. H. M. Hare ..	Assistant Superintendent, 1st Grade.	Officiating Superintendent, 5th Grade.	20th April, 1886.
Mr. H. R. Rich ...	Assistant Superintendent, 1st Grade	Officiating Superintendent, 5th Grade.	30th April, 1886.

*The 26th May, 1886.*

**No. 140.**—The following promotions are made in the Persian Gulf Section of the Indo-European Telegraph Department, with effect from the 9th April, 1886, and until further orders :—

Mr. T. A. Patten, Assistant Superintendent, to officiate as a Superintendent, *vice* Mr.

F. A. Patten, officiating Superintendent, on furlough.

Mr. R. A. New, 1st Grade Clerk, to officiate as an Assistant Superintendent, *vice* Mr. T. A. Patten.

W. S. TREVOR, *Colonel*,  
Secretary to the Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA

### LEGISLATIVE DEPARTMENT.

(Second publication.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

### THE INDIAN BANKRUPTCY BILL, 1886.

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*A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

*Preliminary.*

Short title, extent and commencement.

- 1 (1) This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

## PART I.

## PROCEEDING FROM ACT OF BANKRUPTCY TO DISCHARGE.

*Acts of Bankruptcy.*

2. (1) A debtor commits an act of bankruptcy in each of the following cases:—

(a) if in British India or elsewhere, he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b) if in British India or elsewhere, he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere, he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)*

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or suffers exclusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immovable, to be attached or taken in execution;

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

*Receiving Order.*

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

4. (1) The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits.

Provided that—

(i) in any case where an application for declaring a debtor insolvent has been made under section 11 of the Code of Civil Procedure to a Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceeding from the subordinate Court, if competent so to do under its Letters Patent or section 20 of the Code of Civil Procedure, and may then make a receiving order under this Act in suppression of all or any of the proceedings which may have been previously taken under the said Code.

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses (a) and (b) of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso (i) to sub-section (1) shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy; and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

[11 & 12 Vic.,  
c. 21, s. 9.]

[L. R. 13  
Q. B. D. C. A.  
471, and  
Law Journal,  
September  
21st, 1885.]

[46 & 47 Vic.,  
c. 52, s. 5.]

[46 & 47 Vic.,  
c. 52, s. 6 (1),  
clause (d).]

XIV of 1882

XIV of 1882.

[11 & 12 Vic.  
c. 21, ss. 8  
9,  
46 & 47 Vic.  
c. 52, s. 6.]

[11 & 12 Vic.  
c. 21, s. 10.]

[46 & 47 Vic.,  
c. 52, s. 7.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-11.)*

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

7. (1) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

8. (1) On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

11. (1) If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the

creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankruptcy or Insolvency Laws of some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) When a receiving order is made against a debtor, he shall prepare a statement of his affairs, and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within seven days from the date of the order;

(ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 15-18.)*

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section (1) or sub-section (3) at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

*Public Examination of Debtor.*

[46 & 47 Vic., c. 52, s. 17.]

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

*Composition or Scheme of Arrangement.*

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

17. (1) Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee

shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section (1), by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section (1), requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

18. (1) The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance, by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 19-22.)*

may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

**19.** Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the

debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

**20. (1)** At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

**21. (1)** Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition or satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

**22. (1)** Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

Sec. 33 and 1 of this Bill.]

Sec. 28 (5) of this Bill.]

4 & 47 Vic., 52, s. 19.]

Sec. 28 and 7 of this Bill.]

Limitation of effect of composition or scheme.

Duties of debtor as to order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)*

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic.,  
c. 52, s. 25.]

23. (1) The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

25. (1) The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

*Discharge of Bankrupt.*

26. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

[11 & 12  
Vic., c. 21, ss.  
47 & 59-61.  
46 & 47 Vic.,  
c. 52, s. 28.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-28.)*

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property :

11 & 12 Vic.,  
21, ss. 50  
51,  
LV of 1860.  
Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

- (a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall be on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculation or unjustifiable extravagance in expense;
- (e) that the bankrupt has put any of his creditors to undue or expensively a favoured or vexatious defence to any suit or other legal proceeding properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they became due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may

also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, on making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

27. In either of the following cases, that is to say :—

- (1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or
- (2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (he being in debt or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defraud or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

28. (1) An order of discharge shall not release the bankrupt from any debt or charge, on a recognisance, or from any debt with which the bankrupt may be charged at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer, or a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

*The Indian Bankruptcy Bill, 1886.*  
(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of  
Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, s. 50 & 100.] (5) Any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

## PART II.

### DISQUALIFICATIONS OF BANKRUPT.

[40 & 47 Vic., c. 52, s. 32 & 34.] 29. (1) Where a debtor is adjudged bankrupt he shall, subject to the provisions of this section, be disqualified for—

(a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861;

[21 & 25 Vic., c. 67.] (b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;

(c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

(a) the adjudication of bankruptcy against him is annulled; or

(b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

## PART III.

### ADMINISTRATION OF PROPERTY.

#### *Proof of Debts.*

[11 & 12 Vic., c. 21, s. 11 & 46 & 47 Vic., c. 52, s. 37.] 30. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability

contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic., c. 21, s. 18.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. [11 & 12 Vic., c. 21, s. 39 & 46 & 47 Vic., c. 52, s. 38.]

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of

debts. [46 & 47 Vic., c. 52, s. 39.] Rules as to proof of debts.

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

3 & 17 Vic.,  
52, s. 40.]

**33. (1)** In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

1 & 12 Vic.,  
21, s. 16.]

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

Act IX of  
872, s. 262.]

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

46 & 47 Vic.,  
52, s. 41.]

**34. (1)** Where at the time of the presentation of the petition for the bankruptcy of a person is an apprentice or any person is apprenticed to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or article clerk to the bankrupt, or any person acting on behalf of the apprentice or article clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

**35. (1)** The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

**36.** The bankruptcy of a debtor, whether the relation back of same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the date of the petitioning creditor.

**37.** The property of the bankrupt divisible amongst his creditors, and the property of the bankrupt, shall not comprise the following particulars:—

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing-apparel, bedding, and other such necessaries of himself, his wife and children, to a value, inclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

(3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic.,  
21, s. 23.]

(5) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

[Of Act XIV  
of 1882, s.  
295,  
46 & 47 Vic.,  
c. 52, s. 46.]

38. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

[46 & 47 Vic.,  
c. 52, s. 46.]

39. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application direct the property to be delivered to the official assignee, on the cost of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

[46 & 47 Vic.,  
c. 52, s. 47.]

40. (1) Any settlement of property not being a settlement made before the commencement of the bankruptcy, and in consideration of marriage, or made in favour of a person or persons in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property had passed to the trustee of the settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or

property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

41. (1) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

42. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors,
- (b) any payment or delivery to the bankrupt,
- (c) any conveyance or assignment by the bankrupt for valuable consideration, or
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration.

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realisation of Property.*

43. (1) The official assignee shall, as soon as he may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

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(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

44. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

45. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

46. The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

47. (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

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the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**46 & 47 Vic., c. 52, s. 56.]** **48.** (1) Subject to the provisions of this Act, Powers of assignees the official assignee may do to dealing with property, all or any of the following things:—

**[11 & 12 Vic., c. 21, s. 31.]** (a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him by public auction or private contract, with power to transfer the whole thereof to any person or persons, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof

(c) prove, rank and draw a dividend in respect of any debt due to the bankrupt;

**[11 & 12 Vic., c. 21, s. 30.]** (d) exercise powers the capacity to exercise is vested in the official assignee under the Act, and execute any powers of attesting deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

**[Of Act XXXI of 1854, s. 2]** (e) with any property to which the bankrupt is beneficially entitled as tenant

in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause (c) of sub-section (1) with any property to which the bankrupt is before his discharge entitled [3 & 4 V. c. 74, s. 65.] as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

**49.** The official assignee may, subject to any [46 & 47 V. c. 52, s. 57] powers exercised by general or special orders of the Court, do all or any of the following things:—

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt; [11 & 12 V. c. 21, s. 29]

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on; [11 & 12 V. c. 21, s. 24]

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

*Distribution of Property.*

**50.** (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts. [11 & 12 V. c. 21, s. 41. 46 & 47 V. c. 52, s. 58.]

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

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Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

36 & 47 Vic.,  
52, s. 59.]

**51. (1)** Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

11 & 12 Vic.,  
21, s. 43.  
3 & 17 Vic.,  
52, s. 60.]

**52.** In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

46 & 47 Vic.,  
52, s. 61.]

**53.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

46 & 47 Vic.,  
52, s. 62.]

**54.** When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly

protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**55.** No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application. [11 & 12  
c. 21, s. 41  
46 & 47 V  
c. 52, s. 6

**56. (1)** The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct. [46 & 47  
c. 52, s. 6

(2) The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made. [11 & 12  
c. 21, s. 4

**57.** The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition. [46 & 47  
c. 52, s. 6

#### PART IV.

##### OFFICIAL ASSIGNEES.

##### *Appointment and Removal.*

**58. (1)** The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct. [11 & 12  
c. 21, s. 14  
46 & 47 V  
c. 52,  
s. 66 (1).]

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

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(3) Notwithstanding anything in sub-sections (1) and (2), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

*Duties.*

16 & 47 Vic.,  
52, s. 68.] **59.** (1) The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

6 & 47 Vic.,  
52, s. 69.] **60** As regards the debtor, it shall be the duty of the official assignee—  
Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

6 & 47 Vic.,  
52, s. 70.] **61.** (1) As regards the estate of a debtor it shall be the duty of the official assignee—  
Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferrable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed. [See ss. 11 & 12 of Bill.]

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs. [See s. 61 of this Bill.]

*Remuneration.*

**62.** (1) The remuneration to be paid to the official assignee shall be fixed by general rules. [11 & 12 Vic. c. 21, s. 19, 46 & 47 Vic. c. 52, s. 72.]

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section (1) shall be received by an official assignee as such.

*Costs.*

**63.** (1) No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself. [6 & 47 Vic. c. 52, s. 73.]

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

*Receipts, Payments, Accounts and Audit.*

**64.** (1) Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe. [11 & 12 Vic. c. 21, ss. 15, 21, Ben. Rule 15, 46 & 47 Vic. c. 52, s. 74.]

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed. [New.]

(3) The said accounts shall be opened as soon as may be after the passing of this Act. [46 & 47 Vic. c. 52, s. 162.]

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

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of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

& 17 Vic.,  
2, s. 75.]

**65.** An official assignee shall not pay any sums received by him as official assignee into his private banking account.

& 17 Vic.,  
2, s. 76.]

**66.** (1) Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

(2) When the Court has made an order under sub-section (1), it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

12 Vic.,  
s. 33.]

Rules,

17 Vic.,  
s. 78.]

**67.** (1) Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the account so submitted to be audited, by such officer as the Gov-

ernor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**68.** The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors.

**69.** The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

**70.** (1) Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

*Release.*

**71.** (1) When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly.

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

*Official Name.*

[46 & 47 Vic.,  
c. 52, s. 83.]

**72.** The official assignee may sue and be sued by the name of "the official assignee of the property of \_\_\_\_\_, a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Location of Office on Insolvency.*

[46 & 47 Vic.,  
c. 52, s. 85.]

**73.** If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

*Control.*

[46 & 47 Vic.,  
c. 52, s. 89.]

**74. (1)** Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever reported in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner provided for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic.,  
c. 52, s. 90.]

**75.** If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic.,  
c. 52, s. 91.]

**76. (1)** In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is

engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

**77. (1)** If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

(3) At the meeting convened under sub-section (2) the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section (2), it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

(7) If either at the meeting summoned under sub-section (2) or at the further meeting summoned under sub-section (6) the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section (4), the official assignee shall be the assignee throughout the bankruptcy.

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

(9) Where the Court disapproves of the appointment of any one of more persons than one

*The Indian Bankruptcy Bill, 1886.*  
(Part V.—Special Assignees.—Section 78.)

appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

(10) Provided, with respect to sub-sections (6), (7), (8) and (9), that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

1 & 47 Vic.,  
32, s. 86.] (11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

1 & 47 Vic.,  
32, s. 86.] (12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

1 & 47 Vic.,  
32, s. 87.] (13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

1 & 47 Vic.,  
32, s. 87.] (14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

1 & 47 Vic.,  
32, s. 87.] (15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

1 & 47 Vic.,  
32, s. 87.] (16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

78 Where a special assignee has been appointed, or specially appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any special rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section (3), section 26, sub-sections (2), (3) and (6), sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

6 & 47 Vic.,  
52, s. 67.] (b) the special assignee shall not do any of the things mentioned in section 19 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

6 & 47 Vic.,  
52, s. 62.] (c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the

bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

(d) the special assignee shall not, without the previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section (1) of section 56, or make any allowance to the bankrupt under sub-section (2) of that section;

(e) the remuneration, if any, of the special assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

(f) the special assignee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

(g) where no remuneration has been voted to the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

(h) the special assignee shall supply the official assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

(i) where the special assignee has not previously resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

(j) the votes of the special assignee, or of his partner, clerk, legal practitioner or legal practitioner's clerk, or of any creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

*The Indian Bankruptcy Bill, 1886.*  
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT.

*Jurisdiction.*

79. (1) The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

80. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section (1), be the following, namely:—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyah and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

81. All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

82. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

Transfer of proceedings from Court to Court.

83. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Power to state special case.

84. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

Exercise of jurisdiction in chambers.

85. (1) Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

Delegation of powers to officers of Court and Presidency Judges of Small Causes.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

86. The Court of the Recorder of Rangoon, and any Court appointed by a Local Government under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

Powers of Court of Recorder of Rangoon and Court appointed by Local Government.

87. (1) Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

General powers of Bankruptcy Courts.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

*The Indian Bankruptcy Bill, 1886.*

*(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)*

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in a bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer of himself of any suit or other proceeding by or against the bankrupt pending before any other judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

*Appeals.*

**88. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause (b) of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as

*Procedure.*

**89. (1)** Subject to the provisions of this Act and to general rules, the Discretionary powers of the Court. costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *vis à vis* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**90.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

**91.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceeding to the official assignee.

**92.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**93.** The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

**94.** Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

**95.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them.

*The Indian Bankruptcy Bill, 1886.*  
(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.  
—Sections 96-102.)

**96.** Where a receiving order has been made on a bankruptcy petition against a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

**97.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

**98.** Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

**99.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

*Assignment of Administration.*

**100.** (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where a case part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankruptcy or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudica-

done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART VII.

SMALL BANKRUPTCIES.

**101.** When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;
- (b) no appeal shall lie from any order of the Court, except by order of the Court;
- (c) the estate shall, where practicable, be distributed in a single dividend;
- (d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

**102.** (1) "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under

*The Indian Bankruptcy Bill, 1886.*  
(Part VIII.—*Fraudulent Debtors and Creditors.*—Sections 103-104.)

**103.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend two years, or with fine, or with both; that is say—

- (a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- (d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud;
- (e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee thereof;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law;
- (i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law;

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses;

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt;

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

**104.** If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law

Punishment for absconding with property.

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—*Supplemental Provisions.*—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

**105.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

- (a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;
- (b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**106.** If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

**107.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

**108.** Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under section 121, 122, 123 or 124 of the Indian Penal Code or any amendment thereof, where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

**109.** Where a debtor has been guilty of any offence he shall not be entitled to discharge or be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

### PART IX.

#### SUPPLEMENTAL PROVISIONS.

##### *Application of Act.*

**110.** A married woman shall, in respect of her separate property (if any)

**111.** A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

**112. (1)** Any creditor of a deceased debtor in whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and

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payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

**113. (1)** The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees.*

**114.** The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

*Evidence.*

**115. (1)** A copy of the *Gazette of India*, or of the *Gazette of a Local Government*, containing any notice inserted therein in pursuance of this Act

or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

**116. (1)** A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

**117.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

**118.** Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate;

(b) any officer whom the High Court of a province may appoint in this behalf; or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being deemed to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Master or British Consul or British Political Agent or by a notary public).

**119.** In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the

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deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4.] **120.** Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

[46 & 47 Vic., c. 52, s. 138.] **121.** A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

*Time.*

[46 & 47 Vic., c. 52, s. 141.] **122.** (1) Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **123.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **124.** (1) No proceeding in bankruptcy shall be invalidated by any formal defect not to be objected to by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

XXVII of 1868. [46 & 47 Vic., c. 52, s. 147.] **125.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 30 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, Firms and Lunatics.*

**126.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**127.** Whereby any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**128.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**129.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

*Unclaimed Funds or Dividends.*

**130.** (1) Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section (1) means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

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(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the power conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

among the creditors of the estate who have proved their debts or demands.

*Debtor's Books.*

**134** (1) No person shall, as against the assignee, be entitled to withhold possession of the books or accounts belonging to the debtor or to set up any lien thereon.

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

*Interpretation.*

**135.** (1) In this Act, unless the context otherwise requires,—

(1) "province" means the territories under the administration of a Local Government;

(2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province;

(3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act;

(4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour;

(5) "assignee" means an official assignee or special assignee;

(6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

(7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by the Act made provable in bankruptcy;

(8) "general rules" includes forms;

(9) "Government treasury" includes a bank which conducts trading business for the Government;

(10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local body;

(11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour;

(12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

(13) "prescribed" means prescribed by general rules within the meaning of this Act;

(14) "property" includes money, goods, things in action and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

(15) "schedule" means a schedule to this Act.

[Act II of 1871, s. 62.] **131.** Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

Laps and credit to Government of undistributed dividends.

[16 & 17 Vic. c. 52, s. 162, Act II of 1874, s. 63.] **132.** Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the same due.

Claims to moneys paid into Court or credited to Government under section 130 or section 131.

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, advising the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

New.]

**133.** (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic. c. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing

Distribution of certain unclaimed dividends reserved in respect of unproved claims under 11 & 12 Vic. c. 21

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Section 136.)  
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

(17) "sheriff" includes any officer charged with the execution of a writ or other process;

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

*Repeal.*

46 & 47 Vic.,  
c. 52, s. 169.]

**136.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

- (a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or
- (b) any right or privilege acquired, or due, imposed, or liability or disqualification incurred, under any enactment so repealed; or
- (c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; or
- (d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and these enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend to deduct it from his proof.

11. It shall be competent to the assignee within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value

THE FIRST SCHEDULE.

(See section 1.)

MEETINGS OF CREDITORS.

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

[46 & 47 Vic.,  
c. 52, Sch. 1.]

*The Indian Bankruptcy Bill, 1886.*  
(*The Second Schedule.—Proof of Debts.*)

so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be signed by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every inscription therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, or in procuring the special assignee's assent, except by the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be

adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly enter them in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting either as a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor entitled with the other creditors of the debtor: Provided that where any person holds a special proxy to vote for the appointment of himself as special assignee, he may use the said proxy and vote accordingly.

THE SECOND SCHEDULE

*Prove of Debts.*

PROOF OF DEBTS.

*Proof of debt by proxy.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorized by or on behalf of the creditor. If made by a person so authorized, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all interest due and to be paid, but he shall be compelled to deduct any interest not exceeding five per centum on the net amount of his debt, which he may have actually received or paid, or to be paid.

*Proof by secured creditor.*

9. If a secured creditor receives his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before making for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

*The Indian Bankruptcy Bill, 1886.  
(The Second Schedule.—Proof of Debts.)*

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee, or, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it, and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend and dividend or share of dividend which he is entitled to receive by reason of the inaccuracy of the original valuation, before that money is made available to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Taking Accounts of Property mortgaged and  
Sale thereof.*

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bank

rupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

*Proof in respect of Distinct Contracts.*

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of

*The Indian Bankruptcy Bill, 1886.*  
*(The Third Schedule. — Enactments repealed.)*

the order as if the rent or payment grew due from day to day.

*Interest.*

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future Time.*

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court

may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and chapter	Title.	Extent of repeal
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year	Subject or title	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1862). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.

\* Legislative Proceedings, 1876, page 211

† Legislative Proceedings, 1875, page 76

sal.\* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would, probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitney Stiles said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would

‡ Abstract of Proceedings, 1879, page 202.

be altered accordingly.‡

5. The circular referred to by Mr. Stiles was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kenning brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Ashram Darbars for opinion; and among the comments and criticisms which were passed upon it the doubt was not infrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed by the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court decided it necessary—

(1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1868, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to recast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantiated reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassin, and a power being taken to extend it to other commercial centres, such as Karachi.

13. The Bill accordingly (section 79) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassin. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftsman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immovable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings currently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no intention as to the proportion of the cases that now come before our Insolvency Courts in this country to which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provision of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are demanded by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit and no extension can only be further extended by Parliament.

21. Some of the objections which have been recorded against the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (c) and (d), of the English Act. These cases therefore have been excluded from the Bill (section 2), but in their stead there have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition or finally resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act; which proceed on the distinction, now to be abolished, between *traders* and *others*, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstances that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Court, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a home of business within the local limits, as *Pontifex, J.*, held them, in the cases of *Re ex Chura Gola* (L. B. L. R., App. 26) and *Howard Brothers* (L. B. L. R. 251), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an alien-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law — e. g. *The Gila*, L. B. L. R., O. C., 81, on the one hand, and *ex Blackwell*, 9 B. H. C. Rep. 151, and *re Pacha*, 3 Mad. H. C. R. p. 101, on the other.

25. It has, however, been provided (Section 10, on the recommendation of the Committee of the Judges of the High Court of Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure embodied within the said Act. It is also to be provided (section 1) that in any possible class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally concerning its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code whenever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order made (section 7) of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 26).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 91).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to make a receiving order or to make an adjudication of bankruptcy when it can be shown that the debtor's estate would be more conveniently administered in some other part of British India or in one of Majesty's dominions elsewhere. When an adjudication is made under the latter section no proceedings done under it remain valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similar wide powers were conferred on the English Bankruptcy Courts the provisions regarding concurrent proceedings contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improper to alter the existing mode of remuneration will be altered during the incumbency of present official assignees.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 23 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Cutboby v. Miller* (1 L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881 with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21 :—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bill of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against civil decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahirājī Sir Jotendro Mohun Tagore and Bābū Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (f) (e) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1851. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (a) money held by it on account of estates before declaration of dividend, and (b) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section (1), clause (c), of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (c) to section 4, sub-section (1).

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that in the present proposed Act, section 51), for the declaration of dividends, only among creditors who "have proved their debts.\*"

\* No unclaimed dividends of this class can arise under the proposed new Act (see section 51).  
A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sheets were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

18. Section 131 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

19. Section 136 (2) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 15 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1791, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (1), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

*The 11th May, 1886.*

C. P. ILBERT.

**COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED  
TO IN THE STATEMENT OF OBJECTS AND REASONS.**

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

With reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassem, Moulmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor-General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,\* and which are fully described in paragraph 25 of the despatch

\* 11 & 12 Vic. c. 21.

last referred to.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor-General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents present-

† 17 & 18 Vic. c. 101.

‡ 17 & 18 Vic. c. 38.

ed by section 288 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two, but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our de-patch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic. c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy

Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

*Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.*

## DRAFT OF

### A BILL

TO

*Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows—

#### *Preliminary.*

1. (1) This Act may be cited as the Indian Bankruptcy Act, 1885.

(2) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883.

Provided that the following shall not extend to England, namely—

Sections 39 and 40;

Section 44, sub-section (2);

Section 48;

Section 49, sub-section (1), clause (c), and sub-section (2);

Section 62, sub-section (2).

## PART I.

### PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

#### *Acts of Bankruptcy.*

3. (1) A debtor commits an act of bankruptcy in each of the following cases—

(a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustee for the benefit of his creditors generally;

(b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;

(e) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;

(f) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(g) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within fifteen days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the

comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(h) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

#### *Receiving Order.*

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order in this Act called a receiving order, for the protection of the estate.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within seven days before the date of the presentation of the petition voluntarily resided or had a dwelling-house or place of business within those limits.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secured or compound for a judgment-debt the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the debt.

(5) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any being given) as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)*

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 35,  
40 & 47 Vic., c. 62, s. 10.]

7. (1) A debtor shall not be entitled to present a bankruptcy petition on his own behalf unless he is in prison within the local limits of the jurisdiction of the Court, and in an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts, and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 35, 40 & 47 Vic., c. 62, s. 10.]

8. (1) On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any civil action or other legal proceedings in law with the leave of the Court, and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 13 Vic., c. 31, s. 39, 40 & 47 Vic., c. 62, s. 10.]

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and entitle him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time, after the presentation of a bankruptcy petition, stay any civil action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which such actions are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[11 & 13 Vic., c. 31, s. 39.]

10. When the Court makes an order staying any suit, or any other civil action or proceedings, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by post or in letter to the Court before which the proceedings are pending.

[11 & 13 Vic., c. 31, s. 39.]

11. (1) The charge on the property of a debtor's estate may, on the application of any creditor or creditor's committee, be appointed, and if satisfied that the nature of the debtor's estate or business, or the interests of the creditors, specially require the appointment of a special manager of the estate or business, other than the official receiver, the Court may thereupon appoint a receiver and trustee, and with such powers, including any of the powers of a receiver, as may be entrusted to him by the official receiver.

(2) The special manager shall give accounts and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the Court may by resolution at an ordinary meeting determine, or in default of any such resolution, as may be prescribed.

[11 & 13 Vic., c. 31, s. 39.]

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[40 & 47 Vic., c. 62, s. 14.]

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in

the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) As soon as may be after the making of a receiving order, and after the first meeting of creditors, a general meeting of creditors (on this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of an ordinary meeting of the first and other meetings of creditors, the rules in the first schedule shall be observed.

15. (1) Where a receiving order is made against a debtor, the debtor shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when those securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within three days from the date of the order;

(ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudicate him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person not lawfully so stating himself to be a creditor shall be punishable, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

*Public Examination of Debtor.*

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereon, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has furnished a proof, or his representative, authorized in writing, may question the debtor concerning his affairs and the conduct of his business.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

*Composition or Scheme of Arrangement.*

17. (1) The creditors may at the first meeting or any subsequent meeting thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor.

Power for creditors to accept and Court to approve composition or arrangement.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 18-20.)*

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being giving to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act

would not be released by an order of discharge if the debtor had been adjudged bankrupt.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme. [18 & 47 Vic., c. 62, s. 10.]

*Adjudication of Bankruptcy.*

19. (1) At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice. [Bankruptcy Rules, 1886, para. 155.]

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt. [18 & 47 Vic., c. 62, s. 20.]

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt. [Bankruptcy Rules, 1886, para. 156.]

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee. [11 & 12 Vic., c. 21, ss. 7 & 11.]

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication. [11 & 12 Vic., c. 21, s. 36.]

20. (1) The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained. [11 & 12 Vic., c. 21, ss. 15 & 17; 46 & 47 Vic., c. 62, s. 21.]

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declares that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section (2) and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precludes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)*

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section (2), forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic.,  
c. 52, s. 22.]

21. (1) In any case in which a declaration is made under section 20, sub-section (2), and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

[46 & 47 Vic.,  
c. 52, s. 23.]

22. (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

[46 & 47 Vic.,  
c. 52, s. 24.]

23. (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and

from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorized by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

24. (1) The Court may, by warrant addressed to any [46 & 47 Vic., c. 52, s. 24.] police-officer or prescribed officer of certain circumstances, the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court;

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

25. Where a receiving order is made against a debtor, [46 & 47 Vic., c. 52, s. 25.] the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time,

not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

26. (1) The Court may, on the application of the official [46 & 47 Vic., c. 52, s. 26.] receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

*Discharge of Bankrupt.*

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published

in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court, and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

Fraudulent settlements. 28. In either of the following cases; that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defraud or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

29. (1) An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

30. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions and it appears to

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Administration of Property.—Sections 31-37.)

the Court that the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 30.]

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such securities as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs; and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

### PART III.

#### ADMINISTRATION OF PROPERTY.

##### *Proof of Debts.*

[11 & 12 Vic., c. 21, s. 31.  
46 & 47 Vic., c. 52, s. 37.]

31. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

[11 & 12 Vic., c. 21, s. 38.]

(4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

[11 & 12 Vic., c. 21, s. 39.  
46 & 47 Vic., c. 52, s. 38.]

32. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor and a creditor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

33. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

35. (1) Where at the time of the presentation of the preferential claim in bankruptcy petition any person is an apprentice or is an articulated clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on this behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or articulated clerk to the bankrupt, or any person acting on behalf of such apprentice or articulated clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

##### *Property available for Payment of Debts.*

37. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 38-41.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the date of the petitioning creditor.

**38.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

- (1) property held by the bankrupt on trust for any other person;
- (2) the tools (if any) of his trade and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

- (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;
- (ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and
- (iii) all movable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be held as movable property within the meaning of this section.

*Effect of bankruptcy on antecedent Transactions.*

**39.** (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

**40.** (1) Where execution of a decree has issued against any property of a debtor which is subject to a mortgage or other charge, and before the date of the receiving order, notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not void by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

**41.** (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement

can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property, wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

**42.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person made to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

**43.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on transactions with an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy:—

- (a) any payment of the bankrupt to any of his creditors;
- (b) any payment or delivery to the bankrupt;
- (c) any conveyance or assignment by the bankrupt for valuable consideration;
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration.

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

**44.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 505 of the Code of Civil Procedure, and shall have such of the powers conferred on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

[11 & 12 Vic., c. 21, s. 24.  
16 & 17 Vic., c. 62, s. 48.]

[16 & 17 Vic., c. 62, s. 49.]

[11 & 12 Vic., c. 21, s. 21.  
16 & 17 Vic., c. 2, s. 50.]

XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.]

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 45-49.)

[40 & 47 Vic., c. 21, s. 27.  
40 & 47 Vic., c. 52, s. 51.]

**45.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 21, s. 27.  
40 & 47 Vic., c. 52, s. 53.]

**46.** (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away, or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 21, s. 7.  
40 & 47 Vic., c. 52, s. 54.]

**47.** (1) Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 21, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver, when he fills the office of trustee, and shall vest in the trustee on the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[40 & 47 Vic., c. 52, s. 55.]

**48.** (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or, where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property.

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interest and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purposes.

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of vesting such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgage or under-tenant claiming to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, individually or jointly with the bankrupt, to discharge the bankrupt's liabilities and obligations, fixed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**49.** (1) Subject to the provisions of this Act, the trustee [40 & 47 Vic., c. 52, s. 56.] may do or any of the following things:—

- (a) sell all or any part of the property of the bankrupt [11 & 12 Vic., c. 21, s. 31.] (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;
- (b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;
- (c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;
- (d) exercise any powers the capacity to exercise which is [11 & 12 Vic., c. 21, s. 39.] vested in the trustee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;
- (e) deal with property to which the bankrupt is beneficially [40 & 47 Vic., c. 52, s. 57.] entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by a trustee under clause (e) with any [3 & 4 Wm. IV., c. 74, s. 6.] property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

*The Indian Bankruptcy Bill, 1885.*  
(Part IV.—Official Receivers.—Sections 50-60.)

**50.** The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;
- (9) divide in its existing form amongst the creditors, according to its limited value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

*Distribution of Property*

**51.** (1) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

**52.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

**53.** In the calculation and distribution of a dividend the trustee shall make provision for debts payable by a bankrupt appearing from the bankrupt's statement, or of otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet admitted. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**54.** Any creditor who has not proved his debt before the declaration of any dividend or dividend of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**55.** When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claim, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**56.** No suit or action for a dividend shall be brought against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and if he refuses to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

**57.** (1) The trustee, with the permission of the committee of inspection, may appoint the bankrupt's clerk to superintend the management of the property of the bankrupt, or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his estate, and in any other respect of a kind requiring the property in such manner as he may think fit, subject to any directions of the Court.

(2) The trustee may, from time to time, with the permission of the committee of inspection, allow the bankrupt to make such allowance as he may think fit to be taken out of his property for the support of the bankrupt and his family, or in consideration of his service, if he is engaged in working up his estate, but any such allowance may be reduced by the Court.

**58.** The bankrupt shall be entitled to any surplus remaining after payment or satisfaction of his debts, and to any surplus of his estate, with interest as of this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

PART IV.

OFFICIAL RECEIVERS.

**59.** (1) The Chief Justice of each High Court may, at any time after the passing of this Act, and from time to time, appoint such persons as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

**60.** (1) The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

(2) An official receiver may, for the purpose of facilitating verifying proofs, petitions or of administering oaths.

67 (1) Whenever the cash balance standing to the credit of the bankruptcy estate account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the cause to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 68-79.)

same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankrupts' estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

**68. (1)** Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**69.** The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

**70.** The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

**71. (1)** Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statement or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

*Release of Trustee.*

**72. (1)** When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realised without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or is resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

**73.** The trustee may sue and be sued by the official name of "the trustee of the property of \_\_\_\_\_, a bankrupt."

inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

**74. (1)** Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee, and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

**75.** If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

**76. (1)** The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

**77. (1)** If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee, but in such case the creditors or committee of creditors shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

*Voting Powers of Trustee.*

**78.** The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

*Control over Trustee.*

**79. (1)** Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt, and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct or whenever requested in writing to do so by one-fourth in value of the creditors.

*The Indian Bankruptcy Bill, 1885.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)*

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

**80.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

**81. (1)** The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

**PART VI.****CONSTITUTION, PROCEDURE AND POWERS OF COURT.***Jurisdiction.*

**82. (1)** The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

**83.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyah and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

**84.** All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

**85.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government under section 82, may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

**86.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

**87.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**88. (1)** Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

**89.** A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

**90. (1)** Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the commitment of such defaulting trustee, debtor or other person if in British India. Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

*Appeals.*

**91. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it, under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;

*The Indian Bankruptcy Bill, 1885.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)*

- (b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court;
- (c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;
- (d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

**92.** (1) Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *ex parte* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**93.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

**94.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor.

**95.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**96.** The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

**97.** Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

**98.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

**99.** Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

**100.** Where a member of a partnership is adjudged bankrupt, the Court may authorize the trustee to commence and prosecute any suit or action in the names of the firm, and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of

the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

**101.** Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

**102.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

## PART VII.

## SMALL BANKRUPTCIES.

**103.** When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

- (a) if the debtor is an English bankrupt, the official receiver shall be the trustee in the bankruptcy;
- (b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;
- (c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall prevent the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

**104.** (1) This part shall extend only to British India.

(2) "The Court" in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part.

Provided that a person shall not be punished twice for the same offence.

**105.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to

two years, or with fine, or with both; that is to say:—

- (a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as he has disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and when he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud.

*The Indian Bankruptcy Bill, 1885.*

- (d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud :

punished with imprisonment which may extend to two years, or with fine, or with both.

**107.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

Penalty on fraudulently obtaining credit, &c.	(32 & 33 62, v. 13.)
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- (e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof;
- (h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs;
- (l) If after the presentation of a bankruptcy petition by or against him or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses;
- (m) If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt;
- (n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;
- (o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;
- (p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or in any other way than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;
- (q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

(1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;

(2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**108.** If any creditor, in any bankruptcy composition or [32 & 33 v  
Penalty on false arrangement with creditors, wilfully  
claim, &c. and with intent to defraud makes any  
[12, s. 14]  
false claim, or any proof, declaration or statement of  
account which is untrue in any material particular, he shall  
be punished with imprisonment which may extend to one  
year, or with fine, or with both.

**109.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

111. Where a debtor has been guilty of any offence he shall not be exempt from being prosecuted against thereby by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

**SUPPLEMENTAL PROVISIONS.**

*Application of Act.*

**112. A married woman shall, in respect of her separate** 516, s. 47 r.  
Application to mar- property (if any), be subject to this 62, s. 152  
ried woman. Act in the same way as if she were 45, s. 40 V.  
unmarried 75, s. 1 (5)  
A. J. J. J. J.

113. A receiving order shall not be made against any  
 Exclusion of partners- corporation, or against any partnership  
 ships and companies, or association, or company registered  
 under any enactment relating to companies for the time  
 being in force.

114. (1) Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form, praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed no act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but the Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

115. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees and Remuneration.*

116. (1) The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time prescribe a scale of fees and percentages to be charged for or in respect of proceedings under this Act, and direct by

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receiver.

(3) This section shall come into operation on the passing of this Act.

*Evidence.*

117. (1) A copy of the *Gazette of India* or of a Local Gazette to be by Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice. [40 & 47 Vic., c. 52, s. 132.]

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

118. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same time as the meeting, or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof. [40 & 47 Vic., c. 52, s. 133.]

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

(3) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

119. Any petition or copy of a petition in bankruptcy, any order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever. [40 & 47 Vic., c. 52, s. 134.]

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn— [11 & 12 Vic., c. 21, s. 86. 46 & 47 Vic., c. 52, s. 135.]

(1) in British India, before—

(a) any Court or Magistrate, or any officer whom the High Court of a province may appoint in this behalf, or

(b) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to. [40 & 47 Vic., c. 52, s. 136.]

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction. [11 & 12 Vic., c. 21, s. 87. 46 & 47 Vic., c. 52, s. 137.]

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment. [40 & 47 Vic., c. 52, s. 138.]

*Time.*

124. (1) Whereby this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **126.** (1) No proceeding in bankruptcy shall be invalid on account of any formal defect not dated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

[46 & 47 Vic., c. 52, s. 147.] **127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1850, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

[46 & 47 Vic., c. 52, s. 148.] **128.** For all or any of the purposes of this Act, a corporation may act by any of its officers, authorized in that behalf under the seal of the corporation, a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

[46 & 47 Vic., c. 52, s. 149 (2).] **129.** Where by any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 150.] **130.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.] **131.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

*Unclaimed Funds or Dividends.*

[11 & 12 Vic., c. 21, s. 162.] **132.** (1) Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act, open the account referred to in this Act as the bankruptcy estates account.

*Interpretation.*

**133.** (1) In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government

"High Court of the province" means the highest Civil Court of appeal for the province;

"the Court" means the Court having jurisdiction in bankruptcy under this Act;

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour;

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy;

"general rules" include Forms;

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour;

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"prescribed" means prescribed by general rules within the meaning of this Act;

"property" includes money, goods, things in action, land and every description of property, whether movable or immovable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

"resolution" means ordinary resolution;

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

"schedule" means schedule to this Act;

"sheriff" includes any officer charged with the execution of a writ or other process;

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

*Repeal.*

**134.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

*The Indian Bankruptcy Bill, 1885.**(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)*

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(5) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Bengal shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

## THE FIRST SCHEDULE.

(See section 14.)

## MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up

the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if the number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

## THE SECOND SCHEDULE.

(See section 33.)

## PROOF OF DEBTS.

*Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,

*The Indian Bankruptcy Bill, 1880.  
(The Third Schedule.—Enactments repealed.)*

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

*Proof by secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Proof in respect of Distinct Contracts.*

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the parties respectively liable on the contracts.

*Periodical Payments.*

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

*Interest.*

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

22. The trustee shall examine every proof and he grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, exchange the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also exchange or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

(See section 134.)

**ENACTMENTS REPEALED**

*A—Statute repealed.*

Year and Chapter	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B—Acts repealed.*

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

### DRAFT ACT OF PARLIAMENT NO. 1.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

Extent.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease, the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or a liquidation of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order or adjudication had been made in England.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

### THE SCHEDULE.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

Section 45.  
Section 46.  
Section 50, sub-sections (2) and (4).  
Section 42.  
Section 55.  
Section 56, sub-section (f).  
Section 70, sub-section (2) except in so far as it refers to the Board of Trade.

### DRAFT ACT OF PARLIAMENT NO. II

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

Short title.

2. (1) The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same,—

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by

or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. (1) The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

- (a) a receiving order and the rescission of the same, [Bill, ss. 8 & 13, s. 20 (1).]
- (b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & 11 (1).]
- (c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & 15 (1), s. 18, s. 22 (1), s. 17 (11) & 22 (3).]
- (d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3) & 17 (11), s. 18, s. 20 (1), s. 22 (3), s. 37, s. 41, s. 42, s. 43, s. 47 (1), Bill, s. 22 (2), s. 30.]
- (e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 37 (2) & (3), s. 72, s. 74, s. 76, s. 77.]
- (f) an order of discharge and the revocation of any such order; [Bill, ss. 27, s. 20.]
- (g) the decision of a Court on any question of law or fact; and [Bill, s. 60 (1).]
- (h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India.

(3) Provided that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 41, 46, sub-sections (2) and (4) of section 50, section 52, section 55, sub-section (5) of section 56, and (except in so far as it refers to the Board of Trade), sub-section (1) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

5. No action for a dividend shall be against a trustee under any such law in any Court in the British dominions.

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

\* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be reproduced in the Indian Act or will be reproduced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.  
Board of Trade, to India Office, 18th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, Esq., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (preferably the Draft marked No. 1), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian Legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (in the terms of Draft No. 1) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. 1 should be applied for.

From R. GIFFEN, Esq., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board observe that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. 1 which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the Bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIGNAM, Esq., to the Hon'ble Mr. C. P. ILBERT,  
—(dated Calcutta, the 23rd July, 1885.)

*Bankruptcy Bill.*

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

*Gray v. Chick*, Coryton 136.  
*Re Shib Chundra Mullick*, 8 B. L. R. 30.  
*Re Parke Pittar*, 8 .. 118.  
*Re Howard Brothers*, 13 .. (App.) 9.  
*Re T. Agabeg*, 12 Cal. Rep. 165.

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act, 1878—41 & 42 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immoveable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India,  
Legislative Department,—(No. 2551, dated 22nd September, 1885).

With reference to your letter of the 17th June last, No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885.—

*Opinion.*

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, I have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the back-ground and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners, names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(Signed) H. H. SHEPHARD,  
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O., dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the HON'BLE T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency towns, namely, 11 & 12 Vic., cap. 21, is very cumbersome and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 46 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. Thus, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. Section 5 (1) a. — A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £50, but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (1). — All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a). — I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to impose an order of discharge on such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c). — The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority and a third part should be limited to Rs. 200 and not more.

Section 38, sub-section (1). — No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65, sub-section (4). — I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes one for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section reads "married women subject to this Act in respect of her separate property." I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan Faith, &c. Further, the said definition does not include all kinds of *siddhanam* property of a Hindu married woman. There are several kinds of *siddhanam* property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf of all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be considered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government,  
—(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

#### Memorandum.

*Preliminary remarks.*—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English speculator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattacotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *totally* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghall Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked; there is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Herbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

*Section 4.*—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 47 and of section 9 (1), but until orders by the Court are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

*Section 5 (1) (d) and section 7 (1).*—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition, and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Coimbatore and Gopalpur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (d), has "*England*," where this Bill has "local limits."

*Section 27 (2).*—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbersome process of obtaining first a rule nisi and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet the contingencies I would suggest (1) that in the case of Government and quasi-Government employees the allocation do have the force of an attachment for a specified amount, probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

*Section 39.*—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expense, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

*Section 12 (1).*—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

Section 88.—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 199 applications in the year 1884-85 only 28 were from traders and over seventy returned assets *nil*.

Section 116.—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation continue. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, Esq., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2266, dated 12th August, 1885).

In continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Hanley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

#### Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, Esq., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency-towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

- (1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106)
- (2) "The Bankruptcy Act, 1854" (17 & 18 Vic., cap. 119);
- (3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 131);
- (4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
- (5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency-towns and in Rangoon, Moultain, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the jurisdiction of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, Esq., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

IN continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2236, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Mutlusrani Aiyar has no remarks to make.

#### Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras.—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employees.	Pensioners.	Unemployed
1880	6 Rs. 21,221 15 8 78,316 15 10 9,081 12 8 1,25,280 0 0 2,63,016 9 10 73,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 16,123 8 6 8,097 0 0 8,115 5 9 32,952 5 0 24,973 5 3 21,721 2 1		21	63	6	21
1882	3 Rs. 2,858 9 9 35,174 3 1 85,821 7 9	12	48	80	12	33
1883	16 Rs. 24,501 8 10 1,919 9 4 4,194 6 9 5,312 10 9 7,55,677 13 4 9,721 0 5 5,151 14 10 3,060 3 1 9,876 13 0 53,600 0 0 10,504 4 8 2,80,316 10 3	4	30	90	11	60
1884	No schedules filed in four numbers. 6 Rs. 32,281 10 2 82,739 11 6 5,87,974 1 7 1,10,146 2 8 35,712 2 9 No schedule filed in one case.	5	38	99	12	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of these trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

**English Act.** A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

674.—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

774.—It has happened several times that the Official Assignee has received large assets, and that the debtor then effects a settlement out of Court and annuls the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

874.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department, —(No. 5003, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 2nd September, 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING to G. O. dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law, but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BARRY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1950 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am directed to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 11 of 7th August, 1885.

2. Letter from the Hon'ble the Advocate General, Bombay, No. 59 of 14th September, 1885.

3. Letter from the Secretary, Chamber of Commerce, Bombay, of 5th November, 1885.

insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Sales of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honour to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion. I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (3), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (c) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (a) limits the bankruptcy jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (c) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (c). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (c), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (c) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (c) restricting the power of the Local Government to the appointment of Courts situate within the local limits of the jurisdiction of the High Court.

7. In section 91 (a) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 (if that section be enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. Section 3 (1) (b).—It would be advisable to define carefully what *condemned* is fraudulent in a country like this, where *bandari* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (c), is intended to be capable of application by Native Judges in the Mufassal, who for the most part have not the opportunity of acquainting themselves with the English deceptions.

10. Section 3 (1) (d), (e) & (f).—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further deepening the already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c. &c.

11. Section 7 (1).—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (c)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are far comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic. cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankrupt, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2)*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessities of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to have the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy petition either by a creditor or the debtor.

14. *Section 39 (1)*.—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2)*.—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in that sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2)*.—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110*. I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 31 (1), (2), (3). They are taken from an English Act framed when imprisonment for debt had been a criminal offence, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105 (a)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (3) and (4) and section 117*.—I think it would be advisable to make some provision for the validity of rules and fees of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draft man would appear to have found the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic. cap. 52, because, as he says in paragraph 9 and 10, "it is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge, should be as far as possible the same in London and Calcutta," and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law, but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there), as to when there would appear to be some difference of opinion among experts, it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of necessity. Western ideas, self-acquired and assimilated into her very being. India has barely emerged from oriental superstitions, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet only very partially adopted here. The lowest ranks of workers in English society form, compared with India, a small proportion of the population, and are a considerable element among the poorer classes an insignificant item; in India the lowest ranks of workers form a very large proportion (about 2/3) of the entire community, while the non-workers form a considerable proportion of the poorer classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depopulation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles." At least, I submit, the onus of producing a "substantial reason" is not on those who advocate assimilation, then on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the criminal side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and the creditors and to the officials of the Insolvency Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this—

extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'être* of the Court.

" 15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present head-quarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

" 16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute 11 Vic. cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both office, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

" 17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers, and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *runda maranda et revertendo* between the two Courts.

" 18. I believe that in Malabar the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment-debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic. cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

" 19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unopposed insolvents apply for the benefit of the Act."

From the HON'BLE P. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

WITH reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is woveily an adoption, almost a transcript, of the last English Bankruptcy Act, that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy and how much of its provisions require repeal or alteration; and the present insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (2) allows the creditors if the Court decline such an arrangement desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I deal lost the effect of these sections should be to facilitate fraud and to lead to manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1865 the temptation to this form of fraud was greater it was notoriously prevalent—I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsibility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to resist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill *vide* Williams' *Bankruptcy, Law and Practice* (4th edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is comparatively by speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees is enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (8) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 do not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in Indian bankruptcies should be dealt with in the manner prescribed by that Part.

FROM J. MARSHALL, ESQ., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I am directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs. W. & A. Gossan & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Shiglit, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vithurandas Atmaram, of Messrs. Narandas Lajram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtain the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance, and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible infirmity. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the efficient working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances, and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once made it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely—

- Member of the Legislative Council.
- Judge of the Peace.
- Member of the Town Council or Municipal Corporation.
- Member of a Port Trust or Harbour Board.
- Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

**Section 5 (1) (d).**—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be wound up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

**Section 8.**—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

**Section 12.**—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

**Section 15.** As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (i), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (ii) the time be increased from seven to twenty days.

**Section 16.**—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (1):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

**Section 17.**—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs, and it seems desirable, therefore, that the following words should be appended to sub-section (3):—

"with a full statement of the debtor's affairs."

**Section 21.** the Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment on committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read:—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things":

and in sub-sections (3) and (4) of the same section, (2) of section 51, (1) of section 57, and (1) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

**Section 24.**—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (2) of section 23.

**Section 25.**—The same provision as for the retention and delivery of letters should be made for telegrams.

**Section 27 (5)** allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

**Section 27 (6).**—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

**Section 34 (5).**—Considering that the current rate of interest in India is 9 per cent as compared with a per cent. in England, the rate of interest payable out of surplus funds, as provided for in this clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

**Section 36 (1).**—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

**Section 52 (2).**—After the words "application of" the Chamber suggests the insertion of the words "the trustee or."

**Section 64 (3).**—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

**Section 67.**—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

**Section 70.**—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mekhtas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mekhta* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

*Section 88 (3).*—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

*Section 103.*—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 to Rs. 5,000. Estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (c).

From H. BARRY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

WITH reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

WITH reference to your letter No. 1605, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

IN accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Remarks.

*Protection from arrest.*—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and no protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection-orders, and afterwards by obtaining their personal discharge under section 47, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for want of prosecution, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

*Adjudication of bankruptcy.*—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 24 of the proposed Act; but as absconding debtors almost invariably abscond to Native States, it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

*Composition with creditors.*—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may mutually object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

*Property of bankrupt.*—The words of section 38 (1), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Muzassul or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

*Discharge of bankrupt.*—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and, if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

**Decrees against bankrupt.**—Passing a decree in favour of the trustee against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming to the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to enforce in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 99 of the English Act, or such modification of them as may be considered proper, might with advantage be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by insolvents in their schedules as due, but which have not been proved, and are for the most part unpayable, and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

#### Appendix.

**Section 2. Regarding application of section 18 to England.**—Section 18 could hardly be made applicable to England, but nevertheless cases may arise in which onerous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

**Section 21 (2).**—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (2).

In cases in which the Official Receiver is acting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

See 11 & 12 Vic., c. 21, s. 28.

In that event some such words as the following might be added to section 21 (9):—

“by and with such notice to such creditors as the Court may think fit to direct.”

**Section 24.**—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors absconding to Native States to be also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is “about to abscond with a view,” &c.

**Section 34 (1). Municipal rates.**—Part-trust dues, &c., are at present only entitled to dividends.

**Sub-section (5). Interest after payment of principal in full.**—As decrees in India carry interest at 6 per cent, in the same way interest after the receiving order should be allowed in India at 6 per cent. also.

**Section 36.**—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distraint upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up uncertain, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

*Section 38, clause (2).*—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessities."

*Section 51 (2).*—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

*Section 57 (2). Allowance to bankrupt.*—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, as an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

*Section 61. Official Receiver's report.*—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has in every case to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *mehat* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

*Section 65 (3).*—We do not consider that this provision can be of any value in India.

*Section 67. Investment of moneys.*—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (sect on 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably arises on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

*Section 58.*—It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

*Sections 92 (4); 121. Times.*—All "times" allowed for the act are far too short, and though full power of extension is given by section 92 (4), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the average time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

- (1) the Courts sit weekly only;
- (2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *mehats* can be employed on them at once;
- (3) traders of any importance always have goods on their way to England or elsewhere, the account-sales of which are not received for a considerable time;
- (4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

*Section 99. Petitions of partners in different Courts.*—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency towns would be transferred to the Court in which the first petition was filed, otherwise some provision is required on this point. See also section 13.

*Section 103 (3).*—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 5,000.

Where the gross assets of an estate are not more than Rs. 5,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

*Section 116 (2).*—If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

*Section 120, clause (4).*—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

*Lien on bankrupt's books of account by solicitors and others.*—There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account, and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1869, there being power under that Act to make the rule. —See *Fate Lee on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, Esq., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 7399J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th Jan. 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2 In reply, I am desirous to submit, for the information of the Government of India, the accompanying

The Solicitor to the Government of India, No. 1096, dated the 3rd September, 1885, and enclosure.

The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.

The Superintendent and Remembrancer of Legal Affairs, No. 1001, dated the 30th November, 1885.

Alchanga Sir Jadendra Mohan Tagore, K.C.S.I., dated the 31st August, 1885.

Daboo Deoga Churn Law, dated the 7th September, 1885.

replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades Association, who were consulted by this Government, and to say that, with the exception of section 88 (f), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this

connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through, and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

From R. L. UPTON, Esq., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal, — (No. 1096, dated 3rd September, 1885).

REPLYING to your No. 1336 J.D. of the 8th instm., I have the honour to forward you herewith a copy of the Honble the Advocate General's opinion on the subject therein referred to.

#### OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition the Bankruptcy Court of the Presidency in which they have carried on business, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petition if it thinks fit, the powers to adjudicate being discretionary, to be exercised according to the circumstances of the case. The objection to such a proceeding would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court, but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up country as well as in the different Presidencies.

The 29th August 1885.

(Signed) G. C. PAUL,  
Advocate General

From G. C. SCOVCE, Esq., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned, but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, Esq., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 21st July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mutuality, I consider the present Bill utterly and entirely unsuitable, but as there appears to be no intention to make it current there, this is no detracton from its merits.

From MAHARAJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and this Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited to the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not need say for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (1) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not seldom do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is actually detected. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (1) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such dispositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy clause (a) of section 27(b). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have entered on business for less than three years. As regards persons other than merchants and traders, it may be a great hardship to demand regular books of account. Such people do not ordinarily keep any account of their income and expenditure. They live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, or as a debtor of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvency Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I find upon clause (2) of the same section as calculated to operate harshly. There are many merchants and traders even in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest intention of taking the benefit of the Insolvency Act two, three, or more times, and there is no valid reason why any of that class should not really obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (1) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such political consideration, or post services pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and in particular in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pension is in theory benevolence, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest these Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of power to the High Court, but renews the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal,  
—(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1341J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been framed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it more conveniently workable. The occasion has moreover been utilised to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 & 12 of Victoria, 21, has been in operation in the Presidency Courts has suggested, and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (1), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (2) of section 27 (3) is likely to act with hardship. In it mention is made of abatement of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure. They live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. 110, leaves no room for such discretion.

8. The provision made in clause (2) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of seeking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (1) of section 16 provides for the sequestration for the benefit of creditors of the property and allowances of persons in the service of Government who may happen to become bankrupts, but the next clause appears to contradict to a certain extent the provisions of the latter law of sequestration in the subject of pensions. Section 11 of Act XXIII of 1871, says: "No member, officer or pensioner, after a court of any such judicial considerations of persons having a pension or allowance shall be liable to seizure, attachment, or sequestration by process of any Court in British India at the instance of a creditor for any debt owing by the pensioner, or in satisfaction of a decree or order of any such Court." This provision has been upheld in several subsequent Acts, and appears last in section 233 of Act XIV of 1882, and no circumstances have emerged as to suggest a departure from it. Pensioners are in theory held not liable to be seized by a decree of a Court as to convert charity into a civil obligation. Pensions granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—such provisions for old age—and are liable to stoppage at any time at the will of the donors and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill gives to the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest these Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, Esq., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For

Conditions on which creditor may petition.

(d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the

34. (1) In the distribution of the property of a bankrupt priority of debts. There shall be paid in priority to all other debts—

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees.

mitter that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

6. The Committee would beg to suggest that in this section "three months" should be substituted for

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars—

But it shall comprise the following particulars—  
(a) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

40. (1) Where a bankrupt is an officer of the army or navy or of the Indian Navy or Indian Marine Appropriation of salary, or an officer or clerk or other portion of pay, or were employed or engaged in the Civil salary to creditors. Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is payable, may in its discretion make and order under this subsection, the Court shall communicate with the chief officer of the department as to the amount, rate and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, Esq., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

With reference to your letter No. 1040, dated the 17th June, 1885, asking for opinions on the provisions of

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 9th October, 1885.

Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

example, a person ordinarily resident in the Mufussal is liable to be sued in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undeserved hardship on a large number of employees. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employees who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

6. The Committee would beg to suggest that in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the date of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gabbay re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the sole possession of the partner or partners who happened to be resident in this country.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachment against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be inadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

I see little use in discussing *whether* the payment of a B.U. which had to be made to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the actual wants of Presidency-towns to do so efficiently.

5. The Hon'ble Mr. Justice Tyrell desires to move a memorial to offer on the Bill.

[illegible]

*1st.*—The cost of Court for advertising notices, &c. should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage when after full consideration the Legislature ought to fix.



Adverting to the Statement of Objects and Reasons, it would of course be necessary to obtain the sanction of the British Parliament to ratify the measure. It is of no importance whether the sanction is antecedent or subsequent, but I consider Draft I to be the preferable of the two.

From RAJ BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

With reference to your letter dated 30th July 1885, I have the honour to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In Section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States comes within the definition. Although the General Clauses Act, 1 of 1854 defines that British India, but still remains doubtful as to its limits, especially for instance—*Bhutan, &c.*, &c.

3. In the same section clause (c) is somewhat unclear, the meaning for purpose of submission of petition of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In Section 5, clause (b) paragraph 2nd, where it is said within a year before the date of presentation of the petition or liberty release, &c., &c.

The above clause in the section is not clear to fix the period giving rise to a doubt.

5. In the Section 6 clause 1 it should be added that the copy of petition must be furnished to the opposite party, that the opposite party may come proper and unnecessary delay may not occur.

6. In the Section 6 clause 5 that the words to take security for payment of debt is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the Section 7, clause 1, where it is said unless he is in prison, &c., &c., should be added if he is left on security under Section 333 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment debtors in execution of decrees of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree. It ought to be in those persons only who wish to get the dividend from the estate of bankrupt and not for others who do not wish to be benefited by the provisions of the Act.

9. Section 27 is silent. Clause (c) should be added that who contract to debt *recklessly or carelessly*.

10. Section 28, clause 1, should fix a period in which he must be liquidated, say 12 years as a reasonable time. After that he must declare free from the same debt, otherwise it would become a *contingent* always a *bankrupt*.

From CHOHA LAL, House Proprietor and Contractor, to Under-Secretary to Government, Punjab,—(dated 13th October, 1885).

I beg to acknowledge receipt of your letter dated Sunday the 30th August under cover of No 841 enclosing a copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, with Draft Statement of Objects and Reasons for my perusal, in reply to the same.

I have gone through the whole of the Bill, and so far as I can see I agree with it, except in two or three places, for which I beg to offer the following remarks.

In Section (7), No 3, the debtor's personal right to be withdrawn with all the Laws of the Court, except in cases the Court thinks it fit as otherwise.

In Section (11) the manager for the debtor's estate ought to be appointed by the Court as well as the receiver and the debtor's estate be consulted.

In Section (6), No 6, when persons owing the debtor acknowledge themselves as debtors to the debtor, the Court ought to provide against them in favour of the receiver for the debtor.

In (Section 24) in cases where debtor is personally required to pay out persons owing him, the expenses in so doing by the debtor ought to be given him.

Also there is required a section by which a debtor may settle with his creditors privately or by appointing arbitrators.

Hoping you approve of the above.

From LALA GAGAR MAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 15th October, 1885).

I beg to acknowledge the receipt of your letter No 510, dated 8th Sept., as well as a copy of draft Bill to amend the Law of Bankruptcy and Insolvency for my opinion. In reply to that I beg to state herewith, under a separate cover, the said draft with my notes thereupon. Some delay occurred in forwarding the draft, as I had to consider it thoroughly. Please excuse delay.

*Within a year*—This clause is too vague for time. For it is just possible that a person may contract large debts within a year, and then he is unwilling to court the Insolvency Court, with which he may not be able to take any steps. Therefore, my opinion is 3 months or 6 months, each may be the limit.

\* Rather vague. It should be *anywhere, however*, or some definite time or day should be fixed.

*Signed* must be defined, and made to include signing and marking.

+ *Vide* note to section 15, clause (1).

\* Should be *and*. It is very easy to put the seal of Court on papers without the Judge knowing it. Seal is always in the hands of peons and others of the same class.

*Section 5, clause (1)*—The debtor is in prison within the local limits of the jurisdiction of the Court, and an order of a Civil Court for recovery of money, or has a *claim* *proven* before the Court of the jurisdiction of the petition, or is a debtor or joint debtor of a business, or a partner in the same.

*Section 15, clause (1)*—Any person who, being liable to be arrested for any civil or criminal offence, or by agent or representative, or by any other person, has not taken any steps to prevent or avoid the same, from

*Section 16, clause (8)*—Such notes of the execution as the Court thinks proper shall be taken in writing, and shall be signed by the Court, and sealed by the debtor, and may thereafter be used as evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

*Section 17, clause (1)*—If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument confirming the terms of the composition or scheme, *or* by the terms being embodied in an order of the Court.

**Section 42, clause (1).—**Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person liable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

\* Should be six months three months is too little time.

#### PART V.

##### TRUSTS.

###### *Remuneration of Trustee.*

**Section 63, clause (1).—**Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

**Section 84, clause (1).—**The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

**Section 91, clause (1).—**An appeal shall lie from the order of a Court appointed by a Local Government under section 82 of the High Court of the province.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give the power to the creditors. It is sure to be abused.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

The appealable orders should be specified. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

#### PART VII.

##### SMALL BANKRUPTCIES.

**Section 105.—**When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner.

**Section 105.—**Any person against whom a receiving order has been made under this Act shall, in default of the order being complied with, be imprisoned without bail for a period not exceeding six months.

##### *Notices.*

**Section 125.—**All notices and other documents for the service of which no special mode is directed may be sent by prepaid post to the last known address of the person to be served thereby.

**Section 133 (1).—**In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a local Government.

"High Court of the province" means the highest Civil Court of appeal for the province.

"The Court" means the Court having jurisdiction in bankruptcy under this Act.

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour.

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made.

**Small Bankruptcies.**—This should not be with regard to the amount of the debtor's property. It should be the reverse, i.e., with reference to the amount of *debts due*, and the amount to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

**Imprisonment.**—Simple or what? **Fine.**—What amount?

Insert *registered* between the words "prepaid" and "post."

These interpretation clauses should be placed in the beginning.

Should be *one hour*.

24. If within *half an hour* from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAUGHAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Bilachistan*, &c., &c.

3. In the same section, clause (c) is somewhat harsher, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (d), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary route, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause 1, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and unnecessary delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause F, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (c) should be added that who contracted debt *recklessly or carelessly*.

10. Section 28, clause 1, should fix any period in which debt may be liquidated say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,—(No. 1131-202, dated 24th October, 1885).

I AM directed to acknowledge your No. 1043, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency towns, the four chief towns, in British Burma and the few large commercial centres to which it may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From F. S. SYMS, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 154-26-L., dated 17th December, 1885).

I am directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letter cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce on the provisions of the Bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyah, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Courts to confer on the Small Cause Courts in the presidency towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter, which seem to be worthy of consideration. It seems very important that the application of the less cumbersome procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,000 of debts and only Rs. 43,000 less than 2 per cent. of the debts recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is, perhaps, therefore, the more reason for attempting, when the law is made provision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—1-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, Esq., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 24th August, 1885).

In compliance with the request made in your letter No. 100—26L. (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question, raised in the fifth paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the main object of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial seaports and those occurring in the Mufassal, it seems to me desirable to have only one insolvency law for the whole of India, and this, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modifications and simplifications necessary to suit the requirements of Mufassal Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it inadvisable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons residing beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark, in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of *residence* at all, it seems desirable to amend the provision by including *the personal carrying on of business or working for gain* as grounds of jurisdiction. This would afford creditors larger and easier means of moving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

*Section 8 (1)*—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor whenever he may be confined. The power to release from jail, even if the jail be within the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866 the power of sale is only conferred in respect of mortgages to which English law is applied, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the uninsured creditors, which the expenses of the suit would occasion. The remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees *infra* 2nd Schedule 129.

*Section 19 (1)*—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

*Section 26 (1)*—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court-house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

*Section 45.*—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procurement of the necessary authority from the Court having jurisdiction where the property is situate.

*Sections 82 and 83.*—As the Bill was drafted before the amendment of the Burma Courts Act 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

*Part I.*—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any debt that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

*Second Schedule (2 to).*—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be left to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

FROM R. S. T. MACKWEN, Esq., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L, dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute and would require no more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple, and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the property for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more cumbersome than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called Official Receiver in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no return; and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a high salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 20 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors, the Official Receiver, or on a probably object. At all events there would be a conflict of interest, and it might be difficult to refuse an application by the body or a majority of the creditors. Such objections would never be made in non-trading bankruptcies, and the practical effect might be to leave these and no other in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeships. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 61 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs. 4,544 of liabilities, and scheduled assets amounting to Rs. 2,12,526, while the total recoveries amounted to Rs. 23,187, and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,324.

In 1883, out of 22 insolvencies with total liabilities of Rs. 1,17,824 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 91 insolvencies was Rs. 10,13,035. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 56,446, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it appears to me that the limit might very well be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 81 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 14 relating to meetings of creditors would be inapplicable to the whole of these 81 cases.

In 9 out of 10 of these cases the insolvents only come into Court for the purpose of obtaining a *protection order*. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impetuous clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and unimportant character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the Presidency towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvency business in India; at all events it would be confined to *bona fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would entail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (b) provides that the committee of inspection may be dispensed with in small bankruptcies, and (c) allows for other modifications by order. But this is an inconvenient arrangement, and the power to make rules which absolutely nullify the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am of opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (b).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double jurisdiction and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvency jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised. I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

- (1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or
- (2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, if practicable, be that of the Code.

9. The Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly in all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the full provision of the Act. The principal Civil Courts at Moulmein and Akyah have lately been invested with insolvency jurisdiction, and certainly they have not, and are not likely to obtain, the establishments necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship to persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain power on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty *unimportant* bankruptcies, and I propose the rules contemplated by sub-section (1) would fix a *pecuniary limit* beyond which these Courts could not receive or hear bankruptcy petitions. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Court.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.*

Number of Insolventcies	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks
	Liabilities in rupees.	Due to the estate in rupees.	Value of property secured in rupees.	Value of property secured in rupees.	Total in rupees.	From Estates in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	..	..	..	..	..	..	..	..	..	Registry of bankruptcies in Scotland.
2	9,301	390	..	..	390	..	920	..	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	12,510	13,527	..	..	13,527	146	..	..	146	
4	5,579	..	..	..	..	..	..	..	..	
5	21,167	1,096	..	8,600	9,696	114	..	1,700	1,874	
6	2,540	2,300	..	..	2,300	..	..	..	..	
7	..	..	..	..	..	..	678	..	678	No schedule filed, insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
8	11,097	..	..	..	..	..	..	8,050	8,050	No schedule filed.
9	21,074	..	..	..	..	..	..	..	..	
11	2,375,947	..	478	1,24,560	1,24,978	..	475	..	475	Rupees 1,217 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Alkumbh	..	..	..	..	40	..	..	40	
13	2,989	..	..	..	..	..	..	..	..	
14	61,141	1,507	1,500	..	6,237	65	654	6,571	6,204	
15	1,951	3,514	80	750	4,395	25	..	1,573	1,573	
16	14,090	10,500	..	..	10,500	..	..	..	..	
17	9,227	1,100	..	1,876	6,251	59	..	3,226	3,285	
18	23,004	500	..	30,000	30,500	..	110	..	110	
19	6,448	..	..	..	..	..	..	..	..	
20	3,116	1,555	..	1,800	3,355	..	25	..	25	
	4,61,401	39,712	2,238	1,70,526	2,12,526	450	2,880	20,163	23,487	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.*

Number of Insolventcies	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks
	Liabilities in rupees.	Due to the estate in rupees.	Value of property secured in rupees.	Value of property secured in rupees.	Total in rupees.	From Estates in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	..	..	..	..	..	..	..	..	
2	1,04,978	..	..	..	..	..	..	..	..	
3	..	..	..	..	..	..	..	..	..	No schedule filed.
4	61,860	784	7,361	..	8,165	..	5,250	..	6,250	This was for final discharge.
5	..	..	..	..	..	..	..	..	..	
6	6,802	3,340	..	..	3,340	..	..	..	..	
7	6,300	..	..	3,000	3,000	..	..	..	..	
8	6,055	3,196	..	..	3,196	..	..	..	..	
9	13,000	10,500	..	..	10,500	..	..	..	..	
10	2,005	..	200	..	200	..	33	..	33	
11	..	..	..	..	..	..	..	..	..	This was for final discharge.
12	58,263	1,202	..	675	7,207	..	..	..	..	
13	1,780	..	..	..	..	..	..	..	..	
14	2,800	60	..	..	70	..	..	..	..	
15	1,563	..	..	..	..	..	..	..	..	
16	6,300	2,008	..	..	2,008	..	..	422	422	
17	1,733	409	..	150	1,174	..	..	..	..	
18	3,17,881	11,000	..	3,08,110	3,19,110	..	530	..	530	
19	6,504	1,085	..	..	1,085	..	..	..	..	
20	8,702	..	..	..	..	..	..	..	..	
21	8,10,167	23,302	6,120	2,00,570	2,10,992	2,194	14,000	51,333	68,127	
22	2,600	1,554	..	..	1,554	112	..	..	112	
	14,17,824	68,204	13,041	5,21,101	6,12,592	2,306	20,437	69,080	82,823	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.*

Number of insolvent's.	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From delays in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,265	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,407	160	...	...	160	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge.
6	3,365	...	127	...	127	...	43	...	43	
7	2,644	...	...	...	...	...	...	...	...	
8	2,559	306	...	...	306	...	...	...	...	
9	2,588	179	...	...	179	...	...	...	...	
10	2,636	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	No schedule filed.
12	...	...	...	...	...	...	...	...	...	
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,755	159	...	7,905	13	661	...	674	
15	28,660	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed
17	55,209	...	...	...	...	...	5,157	17,800	22,957	
18	9,879	3,046	995	...	4,041	...	628	...	628	
19	7,047	8,085	112	...	8,197	...	...	...	...	
20	8,369	785	184	...	968	...	420	...	420	
21	13,810	3,620	9,760	...	12,840	1,740	3,970	...	5,588	
22	20,604	2,957	...	7,300	10,257	...	...	5,932	5,932	
23	73,703	71,962	1,818	...	73,280	...	81	...	81	The insolvents in these cases comprised with their creditors out of Court at eight annas in the rupee.
24	57,047	67,389	2,573	...	69,962	...	1,313	...	1,313	
25	1,06,176	41,426	4,274	2,10,000	2,55,740	...	...	...	...	
26	85,346	59,957	3,688	...	53,745	...	...	...	...	
27	1,84,000	15,000	1,980	1,10,000	1,56,980	...	...	...	...	This case is for final discharge.
28	...	...	...	...	...	...	...	...	...	
29	11,067	...	...	...	...	...	629	...	629	
30	7,731	2,969	...	...	2,969	...	...	...	...	
31	10,950	5,369	141	6,776	12,246	...	516	1,500	2,016	
32	6,510	3,361	418	250	4,029	...	221	...	221	
33	9,409	...	20	...	20	...	...	...	...	
34	27,921	520	...	...	520	...	...	...	...	
35	8,176	260	7,207	13,000	20,467	...	...	...	...	
36	32,303	8,900	772	16,500	25,178	244	209	17,200	13,753	No schedule filed
37	...	...	...	...	...	...	...	...	...	
38	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	...	...	...	
41	3,911	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	525	525	
44	14,109	10,622	...	...	10,622	...	...	...	...	This case is for final discharge.
45	...	...	...	...	...	...	...	...	...	
46	6,461	5,747	186	...	5,933	...	...	...	...	
47	51,013	24,421	...	11,500	35,921	...	...	825	825	
48	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	131	...	131	
49	82,706	...	...	...	...	...	...	...	...	
50	10,03,035	3,42,897	31,710	4,06,326	7,82,968	2,916	14,618	39,782	56,446	

From J. STUART, Esq., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by Mr. J. C. GILBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

From the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatively as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbersome, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1848) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassa as no as Burm is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1848 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be broadly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtor's friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly, but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted on the English Bankruptcy Act of 1869, which was not bound to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade, can, we conceive, only be properly taken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 30 and 40 of the proposed Bill the provisions of section 245 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that, at when it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to verberden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

*Section 3, (1) (c).*—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

*Section 15 (2).*—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

*Section 27*, relating to the discharge of the bankrupt, especially 3 (a), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

*Section 28*, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immovable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 11.

*Section 34*, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

*Section 38.*—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words "in his trade or business" are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the repealed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 111 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country, a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 is longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the old and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 269—3L, dated 15th January, 1886).

With reference to paragraph 2 of my letter No. 352—26 L, dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

#### Note by Judicial Commissioner, British Burma.

I have compared the Bill with the English Statute, 46 & 47 Vic, cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the Bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statute which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1017, dated 7th June, 1885).

In reply to your letter No. 1015, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwara, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

From J. R. FITZGERALD, Esq., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 5701, dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph II of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, at which none exist in the Hyderabad Assigned Districts, Mr. Cudrey has no observations to offer in the matter.

From R. BELCHAMBERS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACQUEEN, Esq., Official Assignee, Calcutta, to Registrar, High Court, Calcutta,—(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

*Section 3 (2) (d).*—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwatis, who reside in Native States and carry on business in the Presidency towns by their *gumasthas*. Some such words as I have suggested will seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, on his property, movable or immovable, to be attached or taken in execution."

*Section 3 (1) (c) and (d).*—These clauses are very sweeping; I think they should be modified.

*Section 7.*—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufussal have practically no right of civil insolvency law.

*Section 9 (2).*—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufussal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts, and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

*Section 11.*—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditors, whenever he considers such appointment necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to prescribe what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

*Section 14.*—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meeting might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

*Section 15 (2).*—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue a by-laws calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 22 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

*Section 16 (9).*—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

*Section 17.*—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

*Section 20.*—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankrupts and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

*Section 20 (6).*—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office depend upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

*Section 21.* I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose, but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed in the instances which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in case when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

*Section 22.* See my note on section 17, *ante*.

*Section 23.*—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

*Section 26 (1).*—I would add "or of any creditor who has proved his debt" after the word "trustee."

*Section 26 (1) and (3).*—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bona fide* for the debtor.

*Section 27 (3).*—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

*Section 27 (4).*—When there are creditors residing out of India longer notice than 14 days should be given.

*Section 27 (7).*—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

*Section 32.*—Would it not be well to specify who shall take the account—whether the Court or the trustee?

*Section 34 (1) (b) and (c).*—The present Act gives six months' wages, which seems reasonable.

*Section 38 (2).*—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

*Section 38 (2).*—The concluding words of this clause seem to be unnecessary in India.

*Section 48 (1).*—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

*Section 50.*—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

*Section 51 (2) and (3).*—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"with all convenient speed"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

*Section 52 (2).*—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

**Section 57 (1) and (2).—**For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

**Sections 59 to 62.**—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptrollers in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (4), which provides that proceedings pending when the measure comes into force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new officer analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use in place of their experience to bring the new procedure into working order.

In country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons, perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufussal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus postponed the acquiescence or silence of all of them he comes before the Court: there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigor and *bona fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to discharge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi-judicial*, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bona fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cesser of notice should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection: the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

**Section 63.**—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 65.—The provisions regarding the bankrupt's estate account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (1).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balancees of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the estates of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (2).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72. My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debitors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give the matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 94.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 101 (b).—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 102.—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 113.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

Section 132 (2).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

Schedule 11.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord

Loughborough in 1704, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

*First.*—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pigot v. Hastie* (1 L.R. 11 Cal.). The defendant, Mr. Hastie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested on for the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

*Second.*—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outgoings were mortgaged to two creditors, who stepped in at once and seized and sold the property. There were some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage debts. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of knowing their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

*Third.*—A system of compulsory registration of business-partnerships would also be highly valuable.

*Fourth.*—The system of what are known as *blind* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

IN continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note by the Official Assignee, on the provisions of the Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court concurs generally in the observations made by its sub-committee, and that any further observations that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

#### Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

WE regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill required grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology, and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into this country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to alter the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealt with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvency Act (11 & 12 Vic., cap. 20) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section, but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

- (1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;
- (2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;
- (3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (both inclusive), section 103, sub-section (b), and section 118; and the following sections will require alteration, namely:—sections 47, 50, 110 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he be a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, I. L. R. 11 Cal. 151, and in the matter of *Leckie*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (1) (d), should be altered to meet the case of a man carrying on a business by himself, or by his agent or gumshita, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defeat or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (e) and (g) of sub-section (1) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, and as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1865) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act an insolvent debtor who is in prison within the limits of the town of Calcutta, or who resides within the jurisdiction of the Supreme Court at Calcutta, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta cannot pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the reception of the petition.

In the case of a creditor's petition we think that, as at present, if a *prima facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditor satisfies the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (2) and (3), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection-orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection-order at any time.

9. We think that the mere fact "that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India" should not give a creditor or other person the right to set aside an adjudication, and we recommend that in section 13 of the Bill the above words in italics should be transposed and placed between the words "the debtor" and the words "other cause" later on in the same section.

10. With reference to section 15, sub-section (1), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and it is desirable that of the two the one filed in court should be taken as the original statement with respect to sub-section (4) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (9), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 26 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law at present stands, a creditor who procures an attachment before the vesting order is in a better position by reason of the insolvency of his debtor than he would be without it, as he obtains a title preferable to that of the general body of creditors; and other decree-holders who would, under the Code, on obtaining orders for attachment, be entitled to share *pari passu* with him, are prevented by the insolvency from effecting attachments.

23. Section 50 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (1) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to advertisements. The duties, powers and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bona fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (2) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that if, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 82, clause (c), and section 83, clause (c), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (a).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 89 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (b) and the proviso at the end of section 103 should be struck out.

33. If section 100 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy-proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 112.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires alteration.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(Signed) A. WILSON.

( " ) J. PIGOT.

( " ) E. J. TREVELYAN.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

My Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 135 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which those circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public; and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the Legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the legislature that under present circumstances for a Native insolvent to cross from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and a ready resort to fraudulent practices. The inequality with which a fraudulent Native debtor can set his creditors at defiance, and in respect the smallness of the dividends derivable from the estates of Native insolvents, have been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1853, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Crehane, the then Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel is most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, or why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India and the greater the simplicity which may mark the procedure of the Insolvency Courts, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious co-partners or wrongful preference of particular creditors to avoid appearing before an Insolvency Commissioner; and in this way it may well happen that improvements in law and procedure will have a tendency to accentuate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of his being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are attached as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reproaching. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a direction to the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches, but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from the accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtors' affairs. So long as creditors believe that to attend meetings is to proceed without knowledge to arrive at no result or practically to wait to time, so long will they avoid, unless under necessity, attendance at such meetings. Where the amount involved in a bankruptcy is small, the chances of getting together the creditors are small indeed, and in such cases it may be useful to reserve to the Official Receiver power to call a meeting of creditors at his discretion.

The attention of the Committee in the course of the discussions on the draft Bill has been in various ways strongly drawn to the question of protection against *bona fide* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transfer something of a time sanction. *Bona fide* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a payment made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Attention has been made to *bona fide* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *bona fide* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *bona fide* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps suddenly in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or had their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where, for

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 47 provides that a debt of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official accountant of the Receiver's office.

Section 36 gives power to a landlord to distrain for one year's rent arrears due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 46 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the alternative of regulating the amount to be retrenched from the pay of an employee.

It would appear to be in accordance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest in execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to defeat or delay creditors, should be declared to be acts of bankruptcy on which a receiving order should be made. The latter is, under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be declared to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or personally subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelvemonth indolently resided or had a place of business within the local limits of the Court's jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to include all cases in which the High Court has jurisdiction to entertain a suit.

The order and disposition clause, section 38, subsection (3), provides for all moveable property in the order and disposition of a bankrupt, with the consent of the true owner, being dealt with as the property of the insolvent. This subsection (3) is substantially identical with the order and disposition clause in the present Act. Under the section of the existing Act it has been held that property left by the true owner, being a mortgagor, in the possession of a firm the resident member of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his absent partners jointly. It was therefore ruled in *Gubbay v. Morgan* (1 L. R. 6 Cal 633) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has in a large majority of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful provision to be maintained in the interests of the creditors generally of a bankrupt estate. My Committee would therefore suggest that subsection (3) of section 38 of the draft Bill should be amended in a way to meet the difficulty which the decision in *Gubbay v. Morgan* has raised. Possibly section 42 of the Bill, which provides that a creditor or a firm may proceed in bankruptcy against the firm in the name in which it carries on business, may in the case of some of the acts of bankruptcy specified in section 36 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question is one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be delegated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. If files are overloaded with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdictions in the Presidency towns and prove an inconvenience instead of a convenience to the public. The preferable course would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the office is in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have delegated to him duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found a convenience if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissioners already appointed by the Indian High Courts to take affidavits in these countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in this country.

My Committee consider that a trustee appointed under section 20 should, unless good cause can be shown to the contrary, invariably be a creditor of the insolvent; such a trustee once appointed should only be removable by order of the Court and upon cause shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the risk of disputes amongst the creditors. Besides, by making him removable only by an order of Court, a greater directness of responsibility is obtained, and by so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, and in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information reported in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *bénefici* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing in India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 64, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankrupt estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 91, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (6), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets; fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the draft Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to repeat their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight and the most careful attention should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,

*Offg. Secy to the Govt of India*





SUPPLEMENT TO  
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**OFFICIAL PAPERS.**

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GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 2nd HALF OF FEBRUARY AND 1st AND 2nd HALVES OF MARCH 1886, PUBLISHED IN PAGES 714, 738, 771, AND 772 OF THE SUPPLEMENT TO THE 'GAZETTE OF INDIA' DATED 27th MARCH AND 10th AND 24th APRIL 1886.

Province.	District.	QUANTITIES, PRICES IN CENTS, AND VALUES.															Remarks.
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Lower or medium quality.	Bay of Cumbh (Tymidim).	Mixed or Rice (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	Kingdom of Kaim (Tymidim).	
2nd half of February 1886.																	
Tinnevely.																	
1st half of March 1886.																	
Tinnevely.																	
2nd half of March 1886.																	
MADRAS.	Bangalore	11 0	11 14	9 5	9 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Kolar	11 0	11 14	9 5	9 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Tumkur	11 0	11 14	9 5	9 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Mysore	11 0	11 14	9 5	9 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Shimoga	11 0	11 14	9 5	9 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
MYSORE.	Kadur	10 0	10 12	8 0	8 12	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	
	Boondce	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	
	Tunk	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
	Challawar	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	
	Shahpoora	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	
RAJ-POOTANA.	Boondce	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	
	Tunk	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
	Challawar	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	21 15	
	Shahpoora	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	22 10	
	Boondce	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	27 8	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D. BARBOUR.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF APRIL 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vul- gare).	Bajra or Cumbu (Pennisetum typhoides).	Maria or Ragi (Eleusine cor- cana).	Kangni or Kaku, Italian millet (Setaria italica).	Gram, Chenna, Chola, Kadalay (Cicer arvense).	Maize (Zea Mays).	Arhar or Thur (Cajupia (Ca- janus indicus).	Firewood.	Salt.	REMARKS.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
MADRAS.	Ganjam	11 13	...	13 0	13 13	...	...	23 6	...	...	...	...	215 13	13 13	
	Vizagapatam	15 0	...	9 0	10 3	21 10	23 13	27 3	...	...	...	...	97 3	14 0	
	Godavery	13 8	...	11 14	15 0	23 0	21 1	22 5	...	...	...	...	170 2	12 8	
	Kistna	7 13	...	12 14	13 3	17 2	...	26 6	...	...	...	...	145 13	14 8	
	Nellore	10 13	...	12 13	14 0	19 3	21 11	26 6	...	...	...	...	93 5	14 13	
	Cuddapah	13 14	...	10 5	12 0	22 2	26 13	26 3	...	...	...	...	104 6	14 13	
	Anantapur	12 8	...	10 11	11 5	22 5	18 5	24 11	...	...	...	...	...	13 11	
	Bellary	15 6	...	11 3	12 6	28 13	24 6	31 0	...	...	...	...	...	13 11	
	Kurnool	14 0	...	11 6	12 2	26 11	25 0	...	...	...	...	...	...	13 11	
	Madras	10 14	...	12 5	13 14	...	19 13	26 8	...	...	...	...	...	14 0	
	Chingleput	...	...	12 0	15 2	...	21 2	24 11	...	...	...	...	...	14 10	
	North Arcot	10 3	...	13 2	13 8	...	24 3	31 10	...	...	...	...	...	15 8	
	South Arcot	9 6	...	14 13	15 11	23 8	23 3	32 8	...	...	...	...	...	14 13	
	Tanjore	10 5	...	17 0	...	...	23 3	32 8	...	...	...	...	...	15 5	
	Trichinopoly	11 3	...	15 8	15 14	...	19 0	30 2	...	...	...	...	...	17 0	
	Madura	10 14	...	14 11	15 3	...	23 8	29 6	...	...	...	...	...	17 0	
	Tinnevely	9 3	...	14 5	14 13	...	25 6	24 10	...	...	...	...	...	15 14	
	Coimbatore	13 2	...	12 10	13 10	20 14	16 13	18 11	...	...	...	...	...	17 6	
	Nilgiris	9 14	...	10 6	11 3	16 14	19 11	25 10	...	...	...	...	...	14 10	
	Salem	10 3	...	11 3	14 2	20 14	...	19 3	...	...	...	...	...	15 11	
	South Canara	8 8	...	13 10	14 11	...	...	17 8	...	...	...	...	...	17 6	
	Malabar	10 6	...	12 8	13 0	...	...	...	...	...	...	...	...	14 6	
BOMBAY.	Bombay	10 9	19 2	7 6	10 15	18 14	16 8	17 13	18 0	14 13	19 8	14 0	62 6	14 6	
	Daskrohi	17 8	24 0	43 0	11 0	22 8	17 0	...	...	21 0	22 0	...	...	16 8	
	Kaira	14 8	13 2	8 8	10 0	20 0	...	21 8	18 8	18 8	...	13 0	80 0	16 0	
	Surat	15 0	20 0	8 0	10 0	20 0	18 0	...	...	18 0	...	17 0	80 0	16 0	
	Broach	17 0	...	8 0	11 0	16 1	15 14	...	...	18 1	...	10 1	120 0	14 24	
	Tanna (Salsette)	10 6	...	8 3	9 0	17 10	15 0	...	...	14 5	...	...	71 2	14 5	
	Colaba (Alibag)	10 12	...	7 4	10 0	25 12	15 0	...	...	12 12	...	8 4	100 0	18 0	
	Khandesh (Dhulia)	17 3	...	7 8	9 6	16 8	16 8	22 8	...	16 0	...	...	100 0	18 0	
	Nasik	15 2	12 8	10 3	11 9	16 8	16 8	...	9 0	19 4	11 0	...	106 8	14 0	
	Ahmednagar	14 15	...	8 6	9 12	24 3	19 1	...	...	19 9	...	12 12	90 0	15 4	
	Poona (City)	13 13	7 6	9 13	10 7	18 39	17 20	13 8	...	16 2	...	14 6	60 13	15 4	
	Sholapur	14 8	...	10 0	10 14	28 2	23 14	...	...	20 5	...	19 4	91 7	14 7	
	Bijapur	19 11	...	7 1	9 12	27 0	23 13	...	...	17 0	...	16 8	100 0	12 14	
	Satara	12 11	...	8 14	10 0	17 5	16 3	...	...	17 4	...	...	116 8	15 4	
	Belgaum	19 0	16 8	11 0	11 0	18 0	21 0	24 0	...	13 0	...	14 0	96 0	14 0	
RAJ.	Dharwar (Hubli)	19 0	...	11 0	12 0	23 0	21 0	28 0	...	13 0	...	11 14	80 0	10 0	
	Ratnagiri	10 9	...	0 4	11 5	15 9	13 5	16 7	...	13 5	...	...	120 0	14 4	

Karwar	12 34	...	7 0	14 0	16 8	13 0	22 0	...	12 8	23 8	13 0	213 54	12 0
Plach Mahals (Godhra)	12 0	received.	9 8	10 10	...	16 0	20 0	...	21 13	...	11 6	100 0	15 4
Aden	No return.	...	10 0	12 8	28 0	28 0	18 5	...	19 0	...	9 0	160 0	12 0
Asirgarh Cantonment	12 13	18 5	6 14	8 12	18 5	16 0	...	...	20 0	...	11 6	80 0	43 11
Baroda (Camp Sadar Bazar)	18 8	22 0	7 2	9 8	20 8	23 0	...	...	22 7	...	11 0	135 0	12 0
Dasa Cantonment	No return.	received.	7 0	8 0	34 0	24 0	...	...	13 0	35 0	15 0	90 0	14 0
Nimach Cantonment	23 13	31 94	6 8	9 0	22 8	16 8	...	...	19 8	...	11 4	160 0	35 0
Nasrabad Cantonment	17 8	20 8	9 4	11 4	21 5	16 0	20 0	...	20 0	14 0	8 0	85 0	16 0
Rajkot Station	13 15	20 0	8 0	14 0	19 0	16 0	...	...	18 0	...	...	160 0	14 0
Upper Sind Frontier	11 0	20 0	9 0	18 0	18 0	19 0	...	...	19 8	...	...	180 0	13 8
Karachi	11 8	20 0	10 0	12 0	19 0	23 8	...	...	21 0	...	...	100 0	14 0
Haidarabad (Gidu Bunder)	14 0	22 8	10 0	13 8	19 0	21 8	...	...	17 0	...	...	160 0	14 12
Shikarpur	15 8	25 8	...	16 0	...	...	...	...	...	...	...	...	...
Sukkur	13 8	...	...	...	...	...	...	...	...	...	...	...	...
Thar & Parkar (Unarkot)	...	...	...	...	...	...	...	...	...	...	...	...	...
* In common use.													
Western Districts.													
Burdwan	17 0	30 0	16 0	21 0	...	...	...	...	24 0	...	21 0	120 0	13 8a
Bankoor	19 0	24 0	19 8	22 8	...	...	...	...	19 0	30 0	22 0	360 0	12 8b
Beerbhoom	18 0	...	16 0	19 8	...	...	...	...	22 0	...	22 8	...	12 0c
Midnapore	18 0	...	16 0	22 0	...	...	...	...	17 0	...	14 0	155 0	12 8d
Hooghly	16 0	15 0	10 0	15 0	...	...	...	...	16 0	...	15 0	120 0	13 9e
Howrah	14 8	...	8 4	15 0	...	...	...	...	17 8	...	15 4	90 0	13 0
Central Districts.													
Calcutta	16 8	21 0	7 12	9 8	19 0	13 0	...	...	19 15	19 15	16 4	90 0	13 4
24-Pergunnahs	13 4	17 8	8 0	13 5	...	...	...	...	17 8	18 12	17 8	90 0	12 13f
Nuddea	17 4	22 15	14 8	16 0	...	...	...	...	24 94	...	20 0	...	11 101g
Khoolna	...	...	16 0	18 0	...	...	...	...	10 0	...	10 8	200 0	12 0h
Jessore	13 4	...	13 4	17 0	...	...	...	...	26 8	...	26 8	120 0	12 0i
Moorsheadabad	20 0	17 0	14 0	17 8	...	...	...	...	26 0	...	21 0	120 0	11 4j
Dinapore	16 0	17 0	18 0	20 0	...	...	...	...	16 0	...	...	160 0	12 4
Rajshahye	15 0	32 0	16 0	19 8	...	...	...	...	20 0	...	22 0	240 0	12 12k
Rungpore	17 0	...	17 0	18 0	...	...	...	...	13 0	...	14 0	110 0	12 12l
Bogra	10 8	...	15 0	24 0	...	...	...	...	24 0	...	...	90 0	10 6
Pubna	22 8	...	8 4	18 0	...	...	...	...	21 0	...	21 0	200 0	12 6m
Darjeeling	15 0	12 0	5 0	14 0	...	...	...	...	11 0	...	8 0	120 0	9 0n
Jaipaguri	13 0	...	14 0	25 0	...	...	...	...	14 0	...	...	120 0	12 0o
Eastern Districts.													
Dacca	16 0	26 0	13 0	15 0	...	...	...	...	21 0	...	...	120 0	12 0p
Furzedpore	16 0	20 0	16 0	19 0	...	...	...	...	16 0	...	16 0	140 0	12 0q
Backergunge	...	...	3 0	16 0	...	...	...	...	13 0	...	13 0	120 0	12 8r
Mymensingh.	13 0	...	13 0	20 0	...	...	...	...	16 0	...	20 0	...	12 4s
Chittagong	16 0	...	13 0	16 0	...	...	...	...	13 0	...	9 0	100 0	11 0
Noakhally	13 0	...	13 0	16 0	...	...	...	...	12 8	...	...	...	11 0t
Tippurah	13 5	...	16 0	17 0	...	...	...	...	16 0	...	10 0	...	12 0u
Chittagong Hill Tracts	...	...	...	...	...	...	...	...	...	...	...	...	...
Hill Tippurah	12 0	...	12 0	16 0	...	...	...	...	12 0	...	16 0	...	11 0

*a* In sub-divisions retail prices of salt per rupee were:—Culna 14 seers, Cutwa 13-4 seers, and Ranegunge 13 seers.

*b* In Bishenpore retail price of salt 12 seers per rupee.

*c* In Rampore Hat retail price of salt 13-8 seers per rupee.

*d* In sub-divisions retail prices of salt per rupee were:—Ghattal 13-12 seers, Tumlook 11 seers.

*e* In sub-divisions retail prices of salt per rupee were:—Serampore 13 seers and Jehanabad 13-8 seers.

*f* In sub-divisions retail prices of salt per rupee were:—Baraset and Barrackpore 12-12 seers, Hussirhat 13 seers, Diamond Harbour (at Kulpinat 12-4 seers), and Dum-Dum 12 seers.

*g* In sub-divisions retail prices of salt per rupee were:—Metherpore and Chooadanga 12 seers, Ranaghat 12-14 seers, and Kooahtea 12-12 seers.

*h* In Sathkira and Bagirhat sub-divisions retail price of salt 11 seers per rupee.

*i* In sub-divisions retail prices of salt per rupee were:—Jhenida and Narail 12 seers, Magroora 10-12 seers, and Bongong 13 seers.

*j* In sub-divisions retail prices of salt per rupee were:—Lalbagh and Kandi 12 seers, and Jungipore 13-8 seers.

*k* In Natore and Nowrong retail prices of salt 12 seers per rupee.

*l* In sub-divisions retail prices of salt per rupee were:—Kurigram 12 seers, Nilphamari 16 seers.

*m* In Seraigunge retail price of salt 13 seers per rupee.

*n* At Silliguri retail price of salt 11-8 seers per rupee.

*o* At Fallacotta in Alipore sub-division retail price of salt 10 seers per rupee.

*p* In sub-divisions retail prices of salt per rupee were:—Manickheunge 11 seers, Moonsheunge 10-12 seers.

*q* In sub-divisions retail prices of salt per rupee were:—Goaldoo 12 seers and Madaripore 12-8 seers.

*r* In sub-divisions retail prices of salt per rupee were:—Putuakhali 10-10 seers, Perozepore 11 seers and Bhola 10-8 seers.

*s* In sub-divisions retail prices of salt per rupee were:—Kishoreunge 10-10 seers, Attea 12 seers, Jamalpore 13-4 seers, Sherpore 10 seers and Netrokona 12-5 seers.

*t* In Fenny (at Panchgachia haut) retail price of salt 10 seers per rupee.

*u* In sub-divisions retail prices of salt per rupee were:—Brahmunberiah 12-8 seers, and Chandpore 12 seers.

### PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF APRIL 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or (Sorghum vul. Kure).	Bajra or (Pennisetum typhoides).	Mara or (Eleusine cor. cana).	Kanrai or (Setaria italica).	Gram, Chola, Kadaiy or (Suares (Cicer arvense)).	Maize (Zea Mays).	Arhar or (Cajana Psa (C. junus indicus)).	Firewood.	Sale.	REMARKS.
	Behar.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Patna . . . . .	20 0	28 0	11 8	17 0	26 0	26 0	26 0	16 0	27 0	22 0	27 0	120 0	11 8	
	Gya . . . . .	18 8	27 0	9 0	16 8	20 0	20 0	20 0	22 8	22 8	22 8	23 0	210 0	11 0	
	Shahabad . . . . .	19 0	28 0	8 0	16 0	20 0	20 0	20 0	25 0	25 0	20 0	19 0	120 0	12 8	
	Durbhunga . . . . .	16 0	38 0	10 8	17 0	20 0	20 0	28 0	18 0	20 0	20 0	20 0	160 0	11 8	
	Muzafferpore . . . . .	19 0	32 0	12 0	16 0	20 0	20 0	30 0	21 0	21 0	20 0	23 0	140 0	12 0	
	Saran . . . . .	18 8	28 0	8 0	16 0	20 0	20 0	23 0	15 0	21 0	20 0	23 0	160 0	12 0	
	Chempaur . . . . .	18 0	25 0	10 0	14 0	20 0	20 0	20 0	21 0	26 4	28 0	23 1	120 0	12 4	
	Monghyr . . . . .	23 1	33 8	15 10	16 4	24 2	20 0	20 0	25 4	25 4	25 4	20 3	164 0	13 2	
	Biagalpur . . . . .	20 3	30 5	15 2	17 10	20 0	20 0	20 0	20 0	20 0	20 0	20 0	108 1	12 10	
	Purneah . . . . .	20 0	30 0	19 0	21 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	108 1	12 10	
	Maldah . . . . .	23 0	30 0	10 0	22 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	108 1	12 10	
	Sonthal Pergunnahs . . . . .	17 0	30 0	16 0	23 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	200 0	11 8	
	Orissa.														
	Cuttack . . . . .	17 1	30 0	10 8	17 0*	20 0	20 0	20 0	20 0	20 0	20 0	20 0	200 0	11 8	
	Pooree . . . . .	14 7	30 0	15 12	21 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	200 0	11 8	
	Balasore . . . . .	20 0	11 0	15 0	25 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	200 0	11 8	
	CHOTA NAGPORE.														
	South-Western Frontier Agency.														
	Hazaribagh . . . . .	17 0	20 0	10 0	19 0	20 0	20 0	30 0	17 0	17 0	24 0	19 0	240 0	10 0	
	Lohardugga . . . . .	20 0	24 0	15 0	20 0	20 0	20 0	32 0	18 0	18 0	20 0	21 0	360 0	10 8	
	Singbhooni . . . . .	24 0	32 0	24 0	28 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Manbhoom . . . . .	18 0	32 0	15 0	27 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Saltet . . . . .	13 4	30 0	10 1	14 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Cachar . . . . .	12 4	30 0	11 6	14 8	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Godipara . . . . .	20 0	30 0	8 0	20 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Garo Hills . . . . .	20 0	30 0	8 0	20 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Kamrup . . . . .	16 0	30 0	8 0	13 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Darrang . . . . .	7 8	30 0	8 0	13 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Nowgong . . . . .	8 0	30 0	8 0	13 0	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Sibsagar . . . . .	7 8	30 0	8 0	13 5	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Lakhimpur . . . . .	7 8	30 0	8 0	13 5	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Khasi and Jaintia Hills . . . . .	7 8	30 0	8 0	13 5	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Naga Hills . . . . .	7 8	30 0	8 0	13 5	20 0	20 0	30 0	18 0	18 0	20 0	20 0	240 0	10 8	
	Dehra Dun . . . . .	17 0	26 0	6 0	11 0	20 0	20 0	26 0	25 0	25 0	22 0	24 0	160 0	11 0	
	Saharanpur . . . . .	19 5	32 4	8 9	12 5	23 10	26 14	15 6	32 4	29 0	27 0	21 8	107 8	12 5	
	Muzaffarnagar . . . . .	19 12	33 0	6 10	13 4	26 4	23 6	15 6	33 4	28 11	30 4	17 10	120 0	13 0	
	Meerut . . . . .	20 0	33 0	6 0	14 0	27 0	24 0	16 0	40 0	30 0	29 0	26 0	160 0	13 0	
	Bulandshahr . . . . .	19 0	33 0	6 0	10 0	25 0	23 0	16 0	40 0	30 0	29 0	26 0	160 0	13 0	
	Aligarh . . . . .	20 0	32 0	5 0	10 0	24 0	16 8	13 0	15 8	29 0	24 0	34 0	120 0	12 0	
	Kanoun . . . . .	20 8	14 0	9 8	10 0	24 0	16 8	13 0	15 8	29 0	24 0	34 0	120 0	12 0	
	Garhwal . . . . .	14 0	18 8	7 8	10 0	24 0	16 8	13 0	15 8	29 0	24 0	34 0	120 0	12 0	

N.W. PROVINCES.									
Bijnor	19 6	33 12	12 6	13 8	28 0	20 8	27 0	27 8	11 13
Moradabad	20 8	33 0	10 0	15 0	28 0	16 12 1/2	27 0	27 8	12 11
Budana	21 15	34 14 1/2	6 0	13 3 1/2	28 12 1/2	16 12 1/2	27 9 1/2	10 3 1/2	12 0
Bareilly	20 0	30 0	6 4	13 12	28 2	21 14	25 10	26 4	13 7 8
Shahjahanpur	22 0	34 0	8 0	14 0	...	...	26 0	26 4	11 4
Tarai Pergunnahs	22 8	31 4	8 2	13 2	27 8	28 8	28 0	28 0	11 8
Muttra	16 8	31 0	7 8	13 8	24 0	22 0	31 0	34 0	11 0
Agra	17 0	25 0	6 0	12 0	23 0	19 0	30 8	30 0	12 0 1/2
Farukhabad	18 8	26 0	6 0	9 0	20 0	19 8	26 0	26 0	11 0
Mainpuri	19 8	27 8	4 8	13 8	20 0	19 8	25 8	28 0	12 4
Etawah	17 8	27 0	6 0	13 0	19 8	16 0	25 8	28 0	12 0
Etah	21 8	31 0	7 0	14 0	...	...	28 0	28 0	12 0
Jaloun	23 0	24 0	9 0	11 0	22 0	18 0	24 0 1/2	28 0	11 12
Jhansi	19 8	30 7	7 12	15 9 1/2	24 11	20 0	29 10 1/2	32 0	11 0 1/2
Lalitpur	23 0	32 0	10 0	14 0	25 0	22 0	33 0	36 0	12 0
Cawnpore	20 8	31 0	9 8	14 8	24 0	21 8	29 8	29 0	10 12
Fatehpur	No return received.								13 0
Banda	19 0	25 8	8 0	15 0	25 0	21 0	33 0	30 0	11 0
Allahabad	17 4	28 8	7 0	13 8	25 8	14 8	30 0	21 8	11 0
Hamirpur	19 7	25 4	11 4	14 10	20 7	19 5	34 4	25 0	12 2
Jaunpur	16 0	25 0	7 0	15 8	...	...	20 0	25 0	12 0
Gorakhpur	16 3	28 13	9 7	16 10 1/2	19 13	19 13	35 4 1/2	25 3	11 0 1/2
Basti	22 0	30 0	10 0	15 0	...	...	25 0	25 0	11 8
Azamgarh	20 10	29 14	10 5	17 0	...	...	25 1	25 0	11 2
Mirzapur	16 0	25 0	7 0	14 0	23 0	22 0	24 0	25 0	10 0
Benares	17 14	25 4	10 5	16 8	22 4	21 11	24 0	25 0	10 6 1/2
Ghazipur	13 3 1/2	28 5	6 7	14 2 1/2	21 14	21 4	24 0	24 0	10 5
Balla	19 4	29 0	10 4	12 14	...	...	24 0	24 0	11 8
Philibhit	17 8	31 0	12 8	15 0	25 0	25 0	24 0	24 0	11 4
Almora	No return received.								
ODHA.									
Sultanpur	22 0	34 0	11 0	18 0	20 0	24 0	30 0	32 0	11 0
Partabgarh	22 0	35 5	17 2	18 1 1/2	...	...	31 5	32 0	11 0
Fyzabad	29 0	28 0	11 0	17 0	...	...	27 0	27 0	11 0
Kheri	21 4	34 8	9 0	14 0	20 0	28 0	28 4	25 0	11 0
Lucknow	20 14 1/2	30 14	6 0	14 2 1/2	24 0	24 0	30 0	25 0	12 0
Bara Banki	20 0	28 0	7 0	14 0	22 0	24 0	30 0	25 0	12 8
Bahraich	22 0	40 0	15 0	18 0	32 0	22 0	30 0	25 0	12 0
Rai Bareilly	20 0	30 0	7 0	16 0	20 0	20 0	30 0	20 0	11 0
Sitapur	26 0	40 0	8 0	14 0	24 0	18 0	30 0	27 0	11 0
Gonda	21 14	32 12	14 4	17 8	29 8	20 0	30 0	32 8	11 0
Unao	20 8	29 0	9 0	14 0	22 0	18 0	30 0	21 0	11 12
Hardoi	22 4	34 12	6 0	11 8	...	...	28 0	27 0	11 8
									7 0
PUNJAB.									
Hissar	23 0	40 0	10 0	19 0	36 0	27 0	37 0	20 0	13 0
Rohatak	19 0	38 0	13 0	19 0	29 0	20 0	37 0	25 0	12 0
Gurgaon	21 0	35 0	10 0	18 0	22 0	22 0	33 0	25 0	12 0
Delhi	19 0	34 0	13 0	20 0	24 0	20 0	31 0	22 0	12 0
Karnal	19 0	38 0	11 0	30 0	30 0	20 0	32 0	32 0	12 8
Unbhatta	21 0	37 0	11 0	32 0	25 0	20 0	32 0	24 0	13 12
Simla	16 0	20 0	10 0	20 0	20 0	15 0	20 0	20 0	10 0
Kangra	18 0	32 0	14 0	10 0	20 0	30 0	24 0	30 0	11 0
Hoshiarpur	21 0	34 0	10 0	16 0	32 0	20 0	31 0	32 0	13 12
Jullundur	21 0	36 0	6 0	8 0	32 0	20 0	32 0	23 0	14 8
Ludhiana	22 0	32 0	12 0	12 0	30 0	25 0	35 0	29 0	14 8

† The rate of old (last year's) grain.  
The new one is selling at 34 seers a rupee.  
§ Retail price. The wholesale is 12 seers.  
|| Rate for whole grain and not for dāl is given.

† Sambhar.

No return received.

N.W. PROVINCES.

ODHA.

PUNJAB.

\* In sub-divisions retail prices of salt per rupee were:—Buxar and Sasaram 12 seers, and Bhambah 11 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Madhubani 11 seers and Faipore 11-8 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Sitamarhee 11 seers and Hajepore 12-4 seers.  
 \* In Sewan retail price of salt 12 seers per rupee.  
 \* In Bettiah retail price of salt 11-12 seers per rupee.  
 \* In sub-divisions retail prices of salt per rupee were:—Begusarai 11 seers and Jamu 11-4 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Banka 12 seers, Midehpura and Soolpore 11 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Kishengunge 10 seers and Arareah (at Kangunge) 12 seers.

† Sambhar.

† The rate of old (last year's) grain.  
 The new one is selling at 34 seers a rupee.  
 § Retail price. The wholesale is 12 seers.  
 ‡ Rate for whole grain and not for dals given.

\* In sub-divisions retail prices of salt per rupee were:—Deoghur and Jantara 13 seers, Godda 11 seers, and Pakour 12 seers.  
 \* In Khordha retail price of salt 14 seers per rupee.  
 \* In Bhadrachal retail price of salt 14 seers per rupee.  
 \* Retail price of salt at Kharachha 2 seers per rupee.  
 \* At Dalmingunge retail price of salt 10-2 seers per rupee.  
 \* In Govindpur retail price of salt 12 seers per rupee.



Pegu Division.									
Rangoon Town	15 5	13 10	16 10	18 0	...	...	...	320 0	29 3
Pegu	...	10 14 1/2	15 12 1/2	11 2 1/2	...	...	...	110 0	20 14 1/2
Tharawaddy	...	11 14	12 15	11 1	...	...	...	535 11	29 12
Prome	14 9	13 7	15 4	15 9	53 4	...	...	167 9	18 10
Irrawaddy Division.									
Bassein	...	15 5	16 4	13 2	...	...	...	245 8	28 6
Henzada	...	13 0	15 10	...	...	...	...	183 8	35 8
Thonegwa	...	9 6	17 7	12 14	...	...	...	246 0	35 7
Thayemyo	15 1	10 3	12 7	10 1	28 3	...	...	490 0	18 15
Tenasserim Division.									
Moulmein Town and Amherst	9 0	9 0	12 2	12 2	10 2	...	...	220 0	30 8
Tavoy	...	14 9	21 0	...	...	...	...	399 3	16 1
Mergui	...	13 13	18 14	...	...	...	...	4 8	14 9
Toungoo	...	10 10	12 13	12 9	...	...	...	27 0	18 12
Shwaygyin	...	9 13	11 5	...	...	...	...	200 0	18 14
Salween	No return received.	...	...	...	...	...	...	...	...
HYDERABAD AND MYSORE.									
Secunderabad	16 12	7 2	10 14	14 15	20 1	...	...	125 0	10 3
Bolaram	19 2	8 13	10 12	16 14	...	...	...	116 14	10 10
Chadarghat	11 8	7 4	9 0	17 0	...	...	...	38 0	9 12
Amraoti	20 8	...	12 0	20 0	...	...	...	...	12 0
Akola	19 0	7 0	11 0	21 0	...	...	...	...	11 0
Ellichpur	20 0	8 0	10 0	17 0	...	...	...	...	11 0
Buldana	24 0	8 0	11 0	24 0	...	...	...	...	11 0
Wun	17 0	8 0	11 0	18 0	...	...	...	...	11 0
Basim	26 5	8 2	11 5	24 0	...	...	...	...	10 5
MYSORE.									
Bangalore	No return received.	...	...	...	...	...	...	...	...
Kolar	...	...	...	...	...	...	...	...	...
Tumkur	...	...	...	...	...	...	...	...	...
Mysore	...	...	...	...	...	...	...	...	...
Shimoga	...	...	...	...	...	...	...	...	...
Kadur	...	...	...	...	...	...	...	...	...
Coorg.									
Coorg	9 0	11 5	14 0	21 0	...	...	...	110 0	11 8
RAJPOOTANA.									
Jeyapore	16 12	4 8	8 1	30 8	31 0	...	...	120 0	14 0
Kishengurh	18 8	9 0	10 0	36 0	37 0	...	...	...	14 0
Kerowice	17 13	12 8	13 12	27 8	...	...	...	200 0	11 14
Ulwar	21 0	6 12	10 0	32 1	28 9	...	...	200 0	13 12
Bhurtpore (City)	17 8	6 12	9 12	30 4	31 4	...	...	160 0	12 0
Aimere	17 0	3 0	8 0	38 0	32 0	...	...	...	13 0
Deoli Cantonment	24 1	3 0	7 8	35 14	...	...	...	230 0	12 8
Erinpura	18 8	24 12	8 0	28 0	...	...	...	320 0	14 0
Sirohee	18 0	30 0	8 0	20 0	21 0	...	...	200 0	14 8
Abu	15 8	6 0	8 0	19 0	...	...	...	160 0	13 0
Anadra	17 8	6 4	8 4	22 0	...	...	...	...	14 8
Balmere	18 0	5 0	9 0	16 0	...	...	...	240 0	16 8
Jeyalmere	13 0	12 8	18 12	15 0	...	...	...	...	25 9
Hilly Tracts of Meywar	25 0	10 0	16 0	26 0	25 0	...	...	...	11 2
Meywar (Odeypore)	18 5 1/2	9 12 1/2	10 2 1/2	22 10 1/2	21 14	...	...	200 0	11 11 1/2
Bikanera (Meywar Agency)	28 12	10 0	15 0	43 0	37 8	...	...	...	12 8
Parbhargh	22 8	31 4	16 14	35 0	32 8	...	...	...	17 15
Marwar (Jodhpore)	17 4	23 4	6 4	23 12	20 0	...	...	120 0	16 4

\* Firewood is sold by head load, bullock lead, and cart lead, and not by weight.

† Sold in bundles.

‡ Eight pies per bundle.

PRICES CURRENT OF FOODSTUFFS THROUGHOUT INDIA FOR THE MONTH OF APRIL 1886—concluded.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Bajra or Cumbu (Pennisetum typhlochaetum).	Maua or Kargi (Eleusine coracana).	Kanung or Kakan, Italian millet (Setaria italica).	Grama, Chenna (Holcus, Kullay or Sungha (Pennisetum).	Maize (Zea Mays).	Arhar or Tur (adjan Pica (a-janus indiana).	Firewood.	Sale.	REMARKS.
RAJPOOTANA—	Bikaner	11 14	40 0	3 4	6 8	40 0	17 11	..	..	20 6	..	10 0	1 0 0	14 0 1	
	Bosndee	27 12	35 0	10 0	10 8	32 8	20 0	..	..	40 0	..	18 0	160 0	12 8	
	Kotah	25 0	35 0	9 0	10 0	32 8	20 0	..	..	39 0	30 0	18 0	240 0	11 12	
	Tonk	23 6	34 0	0 0	13 12	37 2	..	..	..	34 1 1	..	..	140 0	12 4	
	Jhallaar	23 14	27 10	8 14	11 11 1/2	28 5	15 13	..	16 0	34 12	..	11 13	175 0	11 1	
	Shahpoora	23 0	33 12	10 0	16 0	37 0	29 0	..	14 2 1/2	29 0	35 10	..	160 0	12 11	
	Dholpur	16 0	24 11	9 0	10 4	24 7	24 15	..	18 0	27 10	..	39 4	80 0	12 10	
CENTRAL INDIA.	Indore	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Gwalior	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Goona	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Baghelkhand (Sutna)	..	..	..	..	..	..	..	..	..	..	..	..	..	

No return received.

DEPARTMENT OF FINANCE AND COMMERCE,

(Statistical Branch.)

D. BARBOUR,

Secretary to the Government of India.



SUPPLEMENT TO  
**The Gazette of India.**

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No. 20. }

CALCUTTA, SATURDAY, MAY 15, 1886.

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**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA,  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 2nd HALF OF FEBRUARY AND 2nd HALF OF MARCH 1886, PUBLISHED IN PAGES 719, 720 AND 771 OF THE SUPPLEMENT TO THE 'GAZETTE OF INDIA' DATED 27th MARCH AND 24th APRIL 1886.

DISTRICT.	QUANTITIES PER RUPEE IN SEERS OF 50 POUNDS.																REMARKS.											
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16													
PROVINCE.	Wheat.		Barley.		Rice, best sort.		Rice, common.		Jowar or 'Johann' (Sorghum vulgare).		Bajra or 'Jambun' (Pennisetum typhoides).		Manna or Kauri (Eleusine indica).		Kannur or Kakum (Cenchrus ciliaris).		Gram, (Channa, or Sunnaya (Cicer arietinum).		Maize (Zea Mays).		Arhar or 'Thuli' (Adian Pura (a-faints indica)).		Firewood.		Salt.			
	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.
2nd half of February 1886.	22	3	27	8	13	5	14	6	27	2	27	5	30	6	25	6	25	12	2	6	2	22	6	20	6	11	12	
	11	2	13	1	6	2	7	12	22	4	17	1			10	1	22	6	10	0	22	6	10	0				
	10	3	12	12	5	2	9	2	24	4	17	1			10	1	22	6	10	0	22	6	10	0				
2nd half of March 1886.	19	6																										

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D. BARBOUR,  
Secretary to the Government of India.



SUPPLEMENT TO  
**The Gazette of India.**

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No. 21. }

CALCUTTA, SATURDAY, MAY 22, 1886.

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**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF THE KHARIF CROP IN THE PUNJAB, 1885-86.

STATEMENT No. I.

Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
DISTRICTS.	Area in acres.	Cultivated area in acres.	AREA IRRIGATED.		COMPARISON WITH LAST CROP.		RAINFALL IN KHARIF MONTHS.											
			Kharif, 1885-86.	Kharif 1884-85.	Increase.	Decrease.	April.		May.		June.		July.		August.		September.	
							1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.
Umballa	1,614,840	951,840	1,855	2,173	...	318	...	...	1.51	...	11.82	5.44	3.31	13.44	17.71	15.58	0.58	10.67
Karnal	1,511,000	680,310	21,150	44,500	...	23,440	0.07	...	1.07	0.33	7.50	5.64	0.9	3.67	9.27	13.33	0.03	11.79
Rohtak	1,159,350	906,022	2,116	43,517	...	16,401	0.15	...	2.20	...	5.30	7.26	5.21	2.77	10.0	6.40	0.85	5.02
Delhi	804,911	525,070	27,616	39,653	...	11,717	0.30	...	2.00	0.20	5.70	7.10	7.20	3.81	15.30	8.10	...	10.20
Hissar	2,205,428	1,161,701	34,781	30,680	...	6,890	...	...	2.40	...	1.60	1.85	4.20	3.60	13.70	...	0.4	6.40
Jind	...	...	23,431	30,607	...	7,462	0.40	...	1.30	...	3.00	3.60	6.70	3.80	16.10	4.80	...	9.30
Bikaner	...	...	197	160	28	...	...	...	...	...	...	...	...	...	...	...	...	...
Kalsia	...	...	707	908	...	201	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL WESTERN JUMNA CANAL	7,108,570	1,227,608	135,089	100,510	25	64,455	...	...	...	...	...	...	...	...	...	...	...	...
Gurdaspur	1,108,311	86,230	10,142	18,285	...	1,157	0.2	1.0	1.0	0.6	1.7	3.6	0.6	10.1	3.7	10.2	1.1	1.0
Amritsar	1,000,704	703,773	68,410	11,611	...	17,845	0.6	0.1	3.6	0.1	0.1	2.0	2.8	10.1	1.4	2.9	1.0	5.8
Lahore	2,314,552	1,101,021	101,810	64,728	...	37,107	1.4	0.3	2.7	0.8	0.9	2.1	4.0	8.1	4.4	0.8	...	4.4
TOTAL BARI DOAB CANAL	4,509,604	4,787,024	189,778	134,154	...	55,624	...	...	...	...	...	...	...	...	...	...	...	...
Ludhiana	881,718	731,398	3,50	151	...	72	1.35	0.10	2.55	0.11	2.4	1.10	5.7	9.7	10.0	2.8	1.8	10.3
Feroz-pore	1,707,244	1,100,950	20,886	4,301	...	16,585	...	0.08	1.0	0.45	0.7	2.40	3.8	2.4	2.5	1.0	...	4.0
Patiala	...	...	11	1	...	10	...	...	...	...	...	...	...	...	...	...	...	...
Faridkot	...	...	6,016	1,61	...	34.1	...	...	...	...	...	...	...	...	...	...	...	...
Nabha	...	...	370	88	...	282	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL SIKHIND CANAL	2,618,082	2,132,111	37,219	10,105	...	27,094	...	...	...	...	...	...	...	...	...	...	...	...
Peshawar	1,111,111	907,100	6,300	...	...	6,100	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL SWAT RIVER CANAL	1,612,121	907,100	6,300	...	...	6,100	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL	19,610,000	10,051,122	708,300	314,135	8,185	64,155	...	...	...	...	...	...	...	...	...	...	...	...

\* This represents the correct rainfall in inches as given in the statement for Kharif Crop of 1884-85.

Area irrigated in Kharif 1885-86	Acres.
Ditto ditto 1884-85	688,106
Net increase	24,231

STATEMENT No. II.

Statement in Acres of Crops irrigated in Canal Districts.

DESCRIPTION OF CROPS	Umballa.	Karnal.	Rohtak.	Delhi	Hissar	Kalsia	Jind	Bikaner	Gurdaspur	Amritsar.	Lahore.	Ludhiana.	Feroz-pore.	Patiala.	Faridkot.	Nabha.	Peshawar.
Indian-corn	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,000
Jowar	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	200
Sugarcane	31	6,218	12,812	13,115	19	48	2,307	...	5,458	4,635	1,371	477	3	6	...	...	...
Rice	111.7	4,705	1,358	6,700	7,185	727	1,118	...	10,011	2,021	10,120	3	40	...	...	...	...
Cotton	1	6,157	5,109	2,031	17,123	2	8,023	119	10,000	9,909	20,116	1,043	1,371	2	480	20	100
Indigo	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Others	72	7,150	7,110	4,101	8,127	20	9,101	68	2,811	10,312	61,110	2,371	25,002	1	5,587	344	...
TOTAL KHARIF, 1885-86	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,100
TOTAL KHARIF, 1884-85	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

STATEMENT No. III

Statement in Acres of Crops irrigated in Canal Divisions.

DESCRIPTION OF CROPS	WESTERN JUMNA CANAL.				BARI DOAB CANAL			SIKHIND CANAL			Swat River Canal Division.
	Karnal Division.	Plan Division	Delhi Division	TOTAL	1st Division	2nd Division.	TOTAL.	3rd Division.	4th Division.	TOTAL.	
Indian-corn	...	...	...	...	...	...	...	...	...	...	6,000
Jowar	...	...	...	...	...	...	...	...	...	...	200
Sugarcane	1,125	6,816	20,226	27,267	4,800	6,597	11,447	484	2	486	...
Rice	3,094	11,480	8,210	22,784	14,278	31,827	46,105	3	13	16	...
Cotton	980	31,041	1,875	39,905	6,700	30,045	36,745	1,115	1,813	2,928	100
Indigo	...	...	...	...	...	...	...	...	...	...	...
Others	6.8	22,710	9,280	32,318	21,418	75,941	97,359	3,408	10,401	33,809	...
TOTAL KHARIF, 1885-86	6,710	72,076	54,627	135,089	45,266	144,473	189,749	5,010	32,229	37,239	6,100
TOTAL KHARIF, 1884-85	17,146	95,216	87,134	199,516	31,438	103,116	134,554	166	9,990	10,156	...

R. HOME, Colonel, R.E.,  
Joint Secretary to Government, Punjab, P. W. D.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

*Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first month of the official year 1886-87 and of the fifteen preceding years.*  
(IN THOUSANDS OF RUPEES.)

FOR THE MONTH OF APRIL.																																																				
YEAR.	BENGAL.						BOMBAY.						SINDH.						MADRAS.						BRITISH BURMA.						TOTAL BRITISH INDIA.						YEAR.															
	On Exports.			Total Revenue.			On Imports.			On Exports.			Total Revenue.			On Imports.			On Exports.			Total Revenue.			On Imports.			On Exports.			Total Revenue.			On Imports.				On Exports.			Total Revenue.			On Imports.			On Exports.			Total Revenue.		
	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.		On Imports.	On Exports.	Total Revenue.	On Imports.	On Exports.	Total Revenue.									
1871-72	92	5,56	1,70	8,18	89	2,13	49	3,51	10	5	11	26	26	1,02	1,65	2,93	40	3,98	4,48	2,27	9,16	11,43	7,03	19,36	1871-72																											
1872-73	96	5,33	2,04	8,33	44	3,05	53	4,02	5	8	37	50	32	1,19	1,43	2,94	47	4,00	4,52	2,12	10,12	12,24	8,37	20,61	1872-73																											
1873-74	85	4,62	1,27	6,74	44	2,46	46	3,36	6	3	12	21	40	92	1,24	2,56	46	6,31	7,14	2,12	8,49	10,61	9,40	20,01	1873-74																											
1874-75	86	5,04	1,26	7,16	50	1,65	50	2,65	10	3	10	23	26	1,24	98	2,48	67	4,63	5,74	2,10	8,63	10,73	7,55	18,26	1874-75																											
1875-76	98	7,18	1,58	9,74	66	2,79	1,10	4,55	15	12	32	59	31	1,24	1,22	2,77	40	7,12	7,91	2,49	11,73	14,22	11,34	25,56	1875-76																											
1876-77	1,06	5,65	63	7,34	55	2,83	17	3,55	10	3	4	17	48	1,03	62	2,13	40	4,88	5,76	2,67	9,94	12,61	6,34	18,95	1876-77																											
1877-78	1,19	5,61	1,13	7,93	92	4,11	20	5,23	24	8	7	39	57	81	21	1,59	52	4,64	5,67	3,44	11,12	14,56	6,25	20,81	1877-78																											
1878-79	1,16	6,43	84	8,43	82	4,27	28	5,37	22	5	4	31	57	89	44	1,90	65	5,13	6,68	3,67	12,29	15,96	6,73	22,69	1878-79																											
1879-80	90	6,13	76	7,79	1,01	3,47	27	4,75	21	4	4	29	40	71	37	1,48	73	6,74	7,05	3,25	10,53	14,58	8,18	22,26	1879-80																											
1880-81	1,27	4,42	50	6,19	97	4,35	29	5,61	51	7	4	62	40	92	92	2,33	52	5,94	7,08	3,76	10,38	14,14	7,69	21,83	1880-81																											
1881-82	1,19	4,62	71	6,50	96	3,78	35	5,09	54	9	6	73	39	81	84	2,04	74	5,85	7,30	3,86	10,01	13,87	7,79	21,66	1881-82																											
1882-83	1,24	—2*	71	1,03	1,01	—24*	29	1,06	36	9	9	45	39	43	43	82	83	7,75	8,00	3,83	—24*	3,59	9,27	12,86	1882-83																											
1883-84	1,25	—1*	1,60	2,84	1,05	5	15	1,25	53	6	6	59	46	57	57	1,03	87	7,89	8,77	4,16	5	4,21	10,27	14,48	1883-84																											
1884-85	1,13	5	75	1,03	1,09	7	27	1,43	42	2	2	52	34	2	77	1,13	83	6,55	7,41	3,81	19	4,00	8,42	12,42	1884-85																											
1885-86	99	—1*	1,20	2,18	1,04	7	10	1,21	37	9	9	46	39	23	23	62	66	7,58	8,26	3,45	8	3,53	9,20	12,73	1885-86																											
1886-87	1,13	4	1,08	2,25	99	7	21	1,27	36	1	10	47	55	1	40	96	91	—2*	7,86	3,94	11	4,05	8,76	12,81	1886-87																											

\* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,  
STATISTICAL BRANCH;  
Calcutta, 17th May 1886.

D. M. BARBOUR,  
Secretary to the Government of India.



[illegible]

l In subdivisions retail prices of salt per ruppe were:—Garbanda 10 seers, Nulphawa 12 seers, and Kurian 12 seers.

m In Sarangunge retail price of salt 13 seers per ruppe.

n At Sulligera retail price of salt 12 seers per ruppe.

o At Kadaverla in Mysore subdivision retail price of salt 10 seers per ruppe.

p In Mysore subdivision retail price of salt per ruppe were:—Maddur 11 seers, Moonshongunge 10-12 seers, and Narayangunge 12-4 seers.

q In subdivisions retail prices of salt per ruppe were:—Gallabolu 12 seers and Madurpure 12-8 seers.

r In subdivisions retail prices of salt per ruppe were:—Pakudashu 10-13 seers, Mysorepure 11 seers, and Bhola 12 seers.

s In subdivisions retail prices of salt per ruppe were:—Kishoragunge 10-0 seers, Attia 12 seers, Sherepore 10 seers, Netrokona 12-5 seers, and Jambhore 11-4 seers.

t In Cox's Bazar retail price of salt 11-5 seers per ruppe.

a In subdivisions of salt per cupa were:—Gulna 14 seers, Cutwa 13-4 seers, and Karol 10½ seers.

b In Bishnour prices of salt 13 seers per cupa.

c In Rampur 1 cupa of salt 13 seers per cupa.

d In a bed of salt per cupa were:—Jumrah and Ghat 11 seers, and Ghat 14 seers.

e In subdivisions of salt per cupa were:—Jumrah 13 seers and Jahanabad 15 seers.

f In subdivisions of salt per cupa were:—Bardoli 1-2 seers, Buehat 13 seers, Diamond Hat 10-12 seers, Khatkhura and Dumdum 15 seers.

g In subdivisions of salt per cupa were:—Khatkhura 12 seers, Meherpore and Choudanga 12 seers, and Narail 12-13 seers.

h In Satchra and Buehat 10-12 seers per cupa.

i In subdivisions of salt per cupa were:—Jumrah and Narail 12 seers, Magora 10-12 seers, and Bhangur 13 seers.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 50 TOLAS.													
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Ray or Cumbu (Pennisetum polystachyon).	Maria or Kapi (Eleusine coracana).	Kanji or Kakun, Italian millet (Setaria italica).	Gram, Channa, (Cicer or Sonaga) (Cicer arietinum).	Maize (Zea Mays).	Ahar or Thur (Adiantum indicum).	Firewood.	Salt.	REMARKS.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
BENGAL—continued.	Behar														
	Patna	20 0	28 0	11 8	17 0	26 0	26 0	26 0	16 0	27 0	22 0	27 0	120 0	11 8	
	Gya	15 8	26 0	9 0	16 8	21 0				22 0	...	22 0	200 0	11 0m	
	Shahabad	19 0	27 0	9 0	15 0					25 0	...	17 0	160 0	12 8m	
	Durbunga	17 0	26 0	10 0	17 0					20 0	...	20 0	160 0	11 8y	
	Muzaffarpore	20 0	30 0	12 0	16 0					22 8	...	22 8	140 0	12 0m	
	Sarun	18 8	27 0	7 0	19 0					24 4	...	26 0	160 0	12 1m	
	Chumpan	18 0	25 0	10 0	14 0					18 0	...	28 0	...	12 4m	
	Monghyr	23 2	36 12	13 9	16 4	24 2				26 12	...	23 2	126 0	13 2m	
	Bhagalpur	18 15	30 5	15 2	17 10					25 4	...	18 15	151 0	12 10m	
Purneah	21 0	...	18 0	20 0					21 0	...	18 0	128 0	11 0m		
Malda	23 0	...	10 0	22 0					28 0	...	...	160 0	11 8		
Sonthal Pergunnahs		16 0	...	16 0	23 8					20 0	30 0	24 0	200 0	11 8m	
Orissa															
Cuttack		19 11	...	10 8	17 1*					19 11	...	...	80 0	14 0	
Pooree		15 12	...	17 1	21 0					13 12	...	17 1	80 0	14 7	
Balasore		15 0	13 0	13 0	24 0					15 0	...	12 0	130 0	9 8m	
CHOTA NAGPORE.															
South-Western Frontier Agency.															
Hazaribagh		17 8	20 0	10 0	19 0					19 0	24 0	18 0	240 0	10 0m	
Lohardugga		14 0	23 0	16 0	19 0					15 0	20 0	20 0	120 0	10 0m	
Singbhoom		24 0	32 0	24 0	28 0					16 0	...	21 0	360 0	9 0	
Manbhoom		13 0	32 0	15 0	27 0					18 0	...	20 0	240 0	11 10	
Sylhet		11 4	...	12 4	14 14					16 8	...	11 12	108 0	12 12	
Cachar		12 4	...	13 5	14 8					14 8	...	11 6	80 0	12 1	
Goalpara		22 0	...	8 0	20 0					13 0	...	12 0	70 0	12 0	
Garo Hills		...	...	6 0	16 0					10 0	...	8 0	160 0	8 0	
Kamrup		16 0	...	8 0	13 0					13 0	...	12 0	160 0	11 0	
Darrang		8 0	...	8 0	13 0					11 8	...	10 0	150 0	10 0	
Nowgong		8 0	...	8 0	16 0					9 0	...	11 0	160 0	9 0	
Sibsagar		10 0	...	7 4	13 0					11 4	...	11 0	160 0	10 0	
Lakhimpur		...	...	7 0	11 0					9 0	16 0	8 8	100 0	9 0	
Khási and Jaintia Hills		...	...	...	8 0					...	...	4 0	120 0	3 3	
Nagá Hills		...	...	...	...					...	...	...	...	...	
ASSAM.															
Dehra Dun		17 0	26 0	6 0	11 0	20 0	20 0	26 0	...	25 0	22 0	24 0	160 0	11 0	
Saharanpur		19 5	32 4	8 9	12 5	23 10	26 14	37 10	32 4	29 0	29 0	21 8	107 8	12 5	
Muzaffarnagar		20 4	33 0	6 10	12 2	22 0	23 2	19 12	12 0	28 0	30 12	17 8	100 0	13 0	
Meerut		20 0	33 0	6 0	14 0	24 0	20 0	...	14 0	29 8	27 0	24 0	100 0	12 8	
Bulandshahr		23 8	33 8	6 0	10 12	25 0	22 0	16 0	20 0	30 8	25 0	26 0	160 0	12 4	
Aligarh		21 8	33 0	6 0	10 0	25 0	17 0	...	16 0	32 8	25 0	39 0	140 0	13 0	
Kumaun		10 8	14 0	9 0	10 0	...	...	13 0	16 0	12 8	...	10 8	200 0	7 0	
Garhwal		14 0	18 8	7 8	10 0	...	...	18 0	...	8 0	...	9 8	160 0	8 2	

N.W. PROVINCES.										Rate for whole grain and not for dal is given.									
Bijnor	20 0	33 12	11 4	13 8	28 8	20 8	10 0	13 8	24 12	25 0	26 8	135 0	11 8	12 11	12 11	12 11	12 11	12 11	12 11
Moradabad	21 4	33 0	10 0	15 0	28 12	16 12	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Budaun	22 8	33 9	6 0	13 3	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Bareilly	20 10	23 12	6 4	13 2	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Shahjahanpur	22 8	34 0	8 0	14 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Tarai Pergunnahs	21 4	31 4	8 2	13 2	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Muttra	19 0	30 8	7 8	12 8	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Agra	18 0	30 0	6 0	12 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Farukhabad	18 8	27 0	6 0	12 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Mainpuri	20 14	27 4	4 8	12 8	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Etawah	20 0	26 2	6 0	13 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Etah	No return received.																		
Jalain	21 0	24 0	9 0	11 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Jhansi	21 7	29 0	7 8	15 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Lalitpur	24 0	31 0	11 0	14 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Cawnpore	21 0	31 0	9 8	14 8	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Fatehpur	17 8	24 0	12 12	15 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Banda	20 0	27 0	8 0	15 4	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Alahabad	18 4	27 4	7 0	14 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Hampur	21 13	25 14	11 4	13 8	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Jaunpur	20 0	26 8	7 0	14 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Gorakhpur	16 3	28 13	9 7	16 10	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Basti	22 0	26 0	10 0	15 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Azamgarh	19 3	28 12	10 5	16 4	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Mirzapur	17 0	27 0	7 0	14 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Benares	19 4	26 12	7 0	16 13	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Ghazipur	18 10	28 5	6 7	14 2	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Balla	19 4	29 0	10 4	14 2	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Philkhit	20 8	36 0	15 0	12 0	28 12	21 14	13 3	15 0	10 0	19 3	33 0	125 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Almora	No return received.																		
Sultanpur	22 0	35 8	11 0	18 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Pantnagar	22 8	34 0	16 0	18 5	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Fyzabad	19 0	29 0	11 4	16 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Kheri	3 0	34 8	9 0	14 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Lucknow	21 4	30 3	6 0	14 5	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Bara Banki	21 0	29 0	7 0	14 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Bahraich	24 0	40 0	15 0	18 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Rai Bareilly	20 8	38 0	7 0	16 8	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Stapur	25 0	37 0	8 0	16 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Gonda	23 4	36 0	14 0	17 8	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Unao	21 8	29 0	8 0	14 0	30 0	24 0	18 0	18 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Hardui	No return received.																		
Hussar	23 0	41 0	10 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	12 8	12 8	12 8	12 8	12 8	12 8	12 8
Rohtak	23 0	40 0	13 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Gurgaon	23 0	38 0	10 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Delhi	22 0	34 0	13 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	12 0	12 0	12 0	12 0	12 0	12 0	12 0
Karnal	21 0	41 0	11 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	12 8	12 8	12 8	12 8	12 8	12 8	12 8
Umballa	21 0	37 0	11 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	13 12	13 12	13 12	13 12	13 12	13 12	13 12
Simla	13 0	17 0	9 0	14 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Kanara	18 0	34 0	14 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	11 0	11 0	11 0	11 0	11 0	11 0	11 0
Hathapur	No return received.																		
Jullundur	20 0	36 0	8 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	14 8	14 8	14 8	14 8	14 8	14 8	14 8
Ludhiana	22 0	35 0	11 0	18 0	36 0	28 0	28 0	28 0	20 0	32 0	32 0	160 0	14 8	14 8	14 8	14 8	14 8	14 8	14 8

In sub-divisions retail prices of salt per rupee were:—Jehanabad and Aurungabad 12 seers, and Novada 10 seers.  
 In sub-divisions retail prices of salt per rupee were:—Buxar and Sasaram 12 seers, and Bhabua 11 seers.  
 In sub-divisions retail prices of salt per rupee were:—Jhansi 11-8 seers and Madhubani 11 seers.  
 In sub-divisions retail prices of salt per rupee were:—Hapur 12-4 seers and Sitapur 11 seers.  
 In sub-divisions retail prices of salt per rupee were:—Newan 12 seers and Gopalganj 11-4 seers.  
 In sub-divisions retail prices of salt per rupee were:—Bhugera 11 seers and Jamui 12 seers.  
 In sub-divisions retail prices of salt per rupee were:—Banka 12 seers, Mudehra 9-8 seers and Simla 11 seers.  
 In sub-divisions retail prices of salt per rupee were:—Kishengunj 10 seers and Arraah (at Rangunge) 12 seers.  
 In sub-divisions retail prices of salt per rupee were:—Deoghur 13 seers, Godda 11 seers, and Rajmahal 11 seers.  
 In Bhadrak retail price of salt 8-8 seers per rupee.  
 At Kharagda (in Girdi sub-division) retail price of salt 12 seers per rupee.  
 At Dalongunge retail price of salt 10-12 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886 —continued.

[illegible]

## Pegu Division

Rangoon Town  
Pegu  
Tharrawaddy  
Prone

BRITISH BURMA.

## Irrawaddy Division.

Bassein  
Henzada  
Thonegwa  
Thayetmyo

## Tenasserim Division.

Moulmein Town and Amherst  
Lavyay  
Mengui  
Toungoo  
Shwaygyin  
Salween

No return received.

Secunderabad

HYDERABAD AND  
MYSORE.Belur  
Chadarghat  
Amraoti  
Akola  
Elichpur  
Bulana  
Wen  
Basim

Bangalore

Kolar  
Lunkar  
Mysore  
Simpaga  
Kadur

No return received.

Coorg

Mysore

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

Kannur

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Kannur

\* Firewood is sold by head-load, bullock-load, and cart-load, and not by weight.

† Sold in bundles.

\* Fight pies per bundle.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886 —concluded.

PROVINCES.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														REMARKS.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
DISTRICTS.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or (Sorghum vul. Karc).	Bajra or Cumbu (Pennisetum typhoides).	Manna or Ragi (Eleusine coracana).	Kanuri or Kakani (Setaria italica).	Gram, Channa (hola, Kadaiya or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Ahar or Thur (Indian Pigeon).	Firewood.	Sale.			
RAJPOOTANA— contd.	Bikaner	11 14	S. Ch.	3 12	S. Ch.	35 8	17 13	S. Ch.	S. Ch.	21 0	S. Ch.	11 7	S. Ch.	14 0			
	Boondee	27 0	40 0	9 8	10 0	32 8	20 0	40 0	40 0	30 0	30 0	25 8	160 0	12 8			
	Kotah	20 0	30 0	9 0	10 0	32 8	20 0	39 0	34 5	34 5	30 0	25 8	240 0	11 12			
	Jenk	23 0	33 8	8 8	9 8	32 8	15 13	12 0	14 24	34 7	34 0	11 13	100 0	11 12			
	Jhallawar	25 64	27 10	8 14	11 13	32 8	28 8	27 0	20 0	25 15	34 0	11 13	175 0	11 12			
CENTRAL INDIA.	Shahpoora	22 0	30 8	10 0	16 2	34 0	28 8	27 0	20 0	25 15	34 0	11 13	160 0	12 8			
	Dholpur	17 0	23 11	10 2	11 4	23 10	20 0	25 15	25 15	37 14	90 0	37 14	90 0	12 7			
	Indore																
BACHELKHAND (Sutna)	Gwalier																
	Guwara																
Bachelkhand (Sutna)																	
No return received.																	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st HALF OF APRIL 1886, PUBLISHED IN PAGE 791 OF THE  
SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 8th MAY 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCE.		QUANTITIES PER RUPEE IN SPEES 0-50 TOLAS.														
DISTRICT.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vul- gare).	Bajra or Cumbu (Pennisetum typhoides).	Manna or Ragi (Eleusine Cor- caea).	Kangri or Kakan, Lahan millet (Setaria italica).	Gram, (Jenna, Chola, Kadaly, or Sonaga (Cicer arabianum).	Maize (Zea Mays).	Arhar or Thin (Adian Pica (a- juna indiana).	Firewood.	Salt.	REMARKS.	
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
BOMBAY.	Aden	8 0	.	6 3	7 0	10 3	11 3	.	..	11 3	.	6 3	65 5	32 0	.	
	Nimach Cantonment	12 8	27 0	8 0	10 0	27 0	20 4	.	.	28 8	25 0	22 0	100 0	13 0	.	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D BARBOUR,  
Secretary to the Government of India.





# The Gazette of India

**EXTRAORDINARY.**

PUBLISHED BY AUTHORITY.

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SIMLA, MONDAY, MAY 24, 1886.

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HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

No. 737.

*Simla, the 24th May, 1886.*

The HONOURABLE MAJOR-GENERAL THOMAS ELLIOTT HUGHES, R.A., an Ordinary Member of the Council of the Governor-General, died this morning at 10 o'clock.

The Governor-General in Council notifies this mournful event to the community with the deepest regret, and he requests that the Officers of Government, Civil and Military, will attend the funeral of the late Major-General Hughes, assembling for this purpose at his residence at 7-30 o'clock tomorrow morning.

His Excellency in Council has directed the Flag at Fort William to be lowered to half mast high during the whole of tomorrow.

By order of the Governor-General in Council,

A. P. MAC DONNELL,

*Offg. Secretary to the Government of India.*





SUPPLEMENT TO.

# The Gazette of India.

No. 22.]

SIMLA, SATURDAY, MAY 20, 1886.

## OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may as fully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.

No Official Orders or Notifications, the Publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the index of the GAZETTE must be looked to.

### GOVERNMENT OF INDIA.

#### REVENUE AND AGRICULTURAL DEPARTMENT.

#### REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 26th MAY, 1886.

GENERAL REMARKS.—General rain is reported from Madras, from parts of the Bombay Presidency, from Bengal, Assam, and British Burma. Good rain has fallen in Mysore and Coorg. With the exception of a few showers, there has been no rain in Northern and Central India.

Prospects continue fair in Madras and good in Mysore and Coorg.

In the North-Western Provinces and Oudh and in the Punjab the *rabi* harvest has been almost completed, with a generally good outturn.

In Bombay, the Central Provinces, and Berar *khari* operations continue in progress.

In the Central India Agency prospects are generally good. In Rajputana tanks are in some places completely and in others nearly dry. The water in the wells is also falling.

In Bengal prospects are favourable; and cultivation is progressing rapidly.

In parts of Assam more rain is wanted for tea and other crops.

The public health continues good on the whole, though fever and small-pox are reported from parts of the Madras and Bombay Presidencies, of the Central Provinces, Punjab, and Rajputana. Cholera is still severe in Raipur.

Prices are fluctuating in the Punjab and rising in parts of Rajputana. Elsewhere they are generally steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 26th)</b>		
Bellary . . . . .	Average last week since revised, '25; this week, '69.	Standing wet crops generally good; harvest paddy, yield below average.
Kurnool . . . . .	Average '30	Harvest second crop paddy completed, outturn average. Small-pox in three and cattle-disease in two taluk.
Ganjam . . . . .	Average '57	Slight small-pox in six, fever in three, and cattle-disease in four taluks; slight cholera. Average number employed on Chikla lake 505.
Kistna . . . . .	Average '40	Slight fever; cholera in ten taluks and one division.
Chingleput (Madras) . . . . .	Nil	Standing crops fair, except in parts of one taluk where withering; harvest wet and dry grains, outturn below average. Fever and cattle-disease in one taluk.
Coimbatore . . . . .	Average 87	Standing crops good; harvest paddy and <i>chickm</i> , outturn generally above average. Fever in one and small-pox in parts of two taluks.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—contd.</b>		
Tanjore . . . .	Average '54	Standing crops generally good; harvest gingelly, outturn* below average.
Madura . . . .	Average '77	Harvest paddy, yield below average.
Malabar . . . .	Average '33	Standing crops ripening in one taluk; harvest third crop paddy, outturn below average. Small-pox in eight and cholera in three taluks.
Travancore . . . .	'342	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(May 26th)</b>		
Kutch . . . .	<i>Nil</i>	Weather sultry; days warm. River at Kori on 24th, 11 feet 5 inches against 13 feet 5 inches on same date last year. Fever in seven and cattle-disease in one taluka; one remaining case of small-pox recovered. Wheat, red rice, and <i>bajri</i> in Kutch 26, 30 and 34, in Sakro <i>nil</i> , 38 and 47, in Juli 20, 40 and 40, and in Manjhand 32, 36 and 38 pounds per rupee, respectively.
Hyderabad . . . .	<i>Nil</i>	<i>Rabi</i> harvest almost over in the district; preparations for <i>kharif</i> cultivation in progress. River at Kori on 24th, 11 feet 5 inches against 13 feet 5 inches on same date last year. Fever in two, small-pox in three, and cattle-disease in three talukas. Prices of grain steady. Days and nights very hot.
Ahmedabad . . . .	'110	Weather very hot. Manuring and tilling operations commenced in some talukas. Public health good. Wheat 36 and <i>bajri</i> 32 pounds per rupee.
Baroda . . . .	<i>Nil</i>	Public health good. Standing crops in good condition. <i>Bajri</i> 28, wheat 22, and rice 18 pounds per rupee.
Surat . . . .	<i>Nil</i>	Fever in Mundvi and Bardoli talukas. <i>Juari</i> 38 and <i>magh</i> 46 pounds per rupee.
Nasik . . . .	Nasik, 258; Sinnar, 255; Igatpuri, 151; Dindori, 85; Niphad, 73; Chandor, 182; Baglan, 127; Kalvan, 95; Pent, 170.	<i>Rabi</i> threshing over; land being prepared for the next year's sowing. Sky cloudy; weather very hot. Public health good. Wheat 31, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay) . . . .	Light rain from 20th to 22nd amounting to '07.	Abnormal temperature 1° warm on 19th and 20th, <i>nil</i> on 21st and 22nd, 2° warm on 23rd and 24th and 3° warm on 25th; vapour in air excessive; abnormal wind from north on 19th and 25th and from north-east on 21st and 22nd; wind normal on all other days; thunder and lightning on 20th and 25th; lightning on 21st and 23rd.
Poona . . . .	Rain throughout the district; maximum in Haveli, 3'47; minimum in Junnar, '24.	<i>Bajri</i> 31 and <i>juari</i> 45, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee. Agricultural operations begun.
Ahmednagar . . . .	Rain general from 198 in Jamkhed to 10 in Sangamner.	Reaping completed. Public health good. <i>Bajri</i> average 44 and <i>juari</i> 60 pounds per rupee.
Sholapur . . . .	Barsi, 109; Sholapur, 50; Madha, 70; Karmala, 149; Pandharpur, 99; Sangola, 61; Mahiras, 33.	<i>Juari</i> 59 and <i>bajri</i> 43 pounds per rupee.
Dharwar . . . .	Navalgund, 6'30; Hangal, 4'86; more than 3'0 in Dharwar, Mugud, Manddigi, and Kalghatgi; more than 2'0 in Hubli, Gadag, Kod, and Karajgi; Nargund, 2'0; Bankapur, 1'56; Ron, 70.	Sowing of rice commenced in Dharwar and Hangal; ground being prepared for early crops. Scarcity of drinking-water in Gadag and Kod. Cattle-disease in Kod; public health good. Rice 19 to 32 and <i>juari</i> 43 to 50 pounds per rupee.
Rajkot . . . .	180	Weather very hot. Fever, bowel-complaints, and skin-diseases prevalent; measles at Jafarabad. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 46 pounds per rupee. <i>General Remarks.</i> —Rain in most districts of Guzerat, Kathiawar, the Deccan, and Southern Maratha Country. Scarcity of drinking-water in two talukas of Dharwar and two of Khandesh. Fever and cattle-disease in parts of eight and small-pox in parts of four districts.
<b>Bengal—(May 26th)</b>		
Chittagong . . . .	1'44	Weather seasonable. Sowing of <i>aus</i> paddy in progress; prospects of crops fair. Prices rising. Public health good.
Dacca . . . .	0'91	Sowing of <i>aus</i> and <i>aman</i> paddy still going on; prospects good. Sporadic cholera in Manickgunge.
24-Pergunnahs (Calcutta) . . . .	1'84	No crops on ground, except sugarcane. Ploughing going on. Public health generally good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Moorshedabad . . .	Some rain	Weather hot. Ploughing and sowing of rice crops going on, but more rain wanted; indigo promising well. Public health fairly good. A few cases of cholera still occur.
Rungpore . . .	2.93	Prospects of crops favourable; <i>cheena</i> being cut. Public health good.
Burdwan . . .	0.4; more rain in Culna and Cutwa.	Sowing of <i>aus</i> progressing. Public health fair.
Bhagalpur . . .	0.46; rain heavier in north of Ganges than in south.	Cultivation proceeding, and crops on ground much helped by rain.
Purneah . . .	1.63	Rain has done much good. Prospects of crops fair; <i>bhadei</i> sowings commenced. Public health fair.
Patna . . .	Nil	Cotton seed being collected; <i>boro</i> rice in arable lands commenced to be reaped; <i>cheena</i> and sugarcane growing well. Public health good.
Durbhunga . . .	Nil	Early paddy sowings coming up well; prospects of standing crops continue promising. Public health generally good.
Hazaribagh . . .	1.16	Weather very warm, latterly unclouded. Ploughing proceeding; no crops to report upon. General health good.
Cuttack . . .	Nil	Weather hot, with clouds. Ploughing in progress; sowing of rice begun in some places. Price of rice unchanged. Public health generally good.
Midnapore . . .	0.26	Weather seasonable. Tillage in full swing; rice sowings commenced in places. Public health normal.
Khoolna . . .	1.56	Weather hot. <i>Aus</i> paddy being sown. Public health good.
Emagepore . . .	2.75; heavy rain throughout district.	Weather most unseasonable. Cultivation progressing rapidly. Two deaths from small-pox in Gangarampore.
Pubna (Serajunge) . . .	0.02	Crops doing well. Public health improving.
Giva . . .	Slight rain at Jehanabad.	Crops doing well. Public health fair. Prices better than last year.
Chumprun . . .	Nil	Indigo doing well. Prices stationary. Some fever and small-pox.
<i>General Remarks.</i> —Rain general, except in the Patna Division and in Cuttack. Present agricultural prospects favourable; cultivation being rapidly pushed on; in several places sowing of <i>aus</i> rice and jute finished, and seedlings doing well; in some places <i>aman</i> rice sowing commenced, and indigo and sugarcane the only crops on ground doing well; <i>boro</i> rice harvest still going on in some places, with satisfactory output. Price of rice generally stationary. General health fair.		
<b>N.-W. Provinces and Oudh—(May 26th)</b>		
Benares (May 24th)	Nil	Harvesting completed; supplies plentiful. Prices steady. Health generally good.
Rae Bareilly ( " " )	Nil	Weather at times cloudy; wind variable. Supplies ample. Prices steady. General health good.
Gorakhpore ( " " )	Nil	Harvest operations completed; preparation of land for <i>khurif</i> sowing in progress. Prices stationary. Health fair.
Fyzabad ( " 25th)	Nil	Weather hot, with east wind. Prospects of crops on ground good. Prices steady. Supplies ample. Health of men and cattle good.
Lucknow ( " 24th)	Nil	Heat increasing. <i>Sarson</i> is being harvested; migration of sugarcane and other summer crops going on. Markets well supplied. Prices slightly rising. Health of people good. No cattle-disease.
Partargauh ( " 25th)	Nil	East wind. Prices steady. Cattle exported from tahsil Patna; health of cattle good.
Allahabad ( " " )	Nil	Weather stormy; wind easterly. Harvesting finished. Markets well supplied. Prices steady. General health good.
Cawnpore ( " 24th)	Nil	Weather very hot. Harvest nearly finished. Prices stationary. Condition of people good; foot and mouth disease in Billawar.
Banda ( " 25th)	Nil	Weather seasonable. <i>Rabi</i> all harvested. Markets well supplied. Prices easy. Public health good; cattle-disease in three villages.
Farakhabad ( " " )	Nil	East wind nearly all the week. Prices steady. Supplies plentiful. Health of people fair.
Sitapur ( " " )	Nil	Weather very hot and a strong wind blows from the east. Grain is gradually being removed from the threshing floors. Public health good.
Barcilly ( " " )	Nil	Weather hot, with easterly winds. Prices fluctuating. No abnormal sickness.
Ballia ( " " )	Nil	Sugarcane being irrigated. Health satisfactory.
Kumaon ( " " )	Nil	Weather fair. <i>Rabi</i> not harvested in some parts. Prices falling. General health fair; measles in patts; cattle-disease abating slowly.
—Agra ( " 24th)	Nil	Cane and melon crops being irrigated. Prices steady. Health good.
Jhansi ( " " )	Nil	Weather cloudy and sultry. Prices steady. Health good.
Meerut ( " 25th)	Nil	Weather seasonable and hot. Ample supplies. Prices slowly rising. No sickness.
<i>General Remarks.</i> —Weather seasonable. Harvesting operations completed in most districts and prospects good. Supplies are plentiful. Prices generally steady. Public health good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—(May 26th)</b>		
Delhi (May 25th)	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest good.
Hissar . . . . .	<i>Nil</i>	Health good. Prices nearly stationary.
Umballa . . . . .		No report received.
Jullundur . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Sialkot . . . . .	<i>Nil</i>	Health good. Prices stationary.
Ferozepore . . . . .	20	Health good. Prices falling.
Lahore . . . . .	<i>Nil</i>	Health good. Prices slightly risen.
Rawalpindi . . . . .	<i>Nil</i>	Health good. Prices stationary.
Shahpur . . . . .	<i>Nil</i>	Health good. Prices almost stationary.
Mooltan . . . . .	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan . . . . .	<i>Nil</i>	Small-pox slightly prevalent in city. Prices almost steady.
Peshawar . . . . .	<i>Nil</i>	Slight fever. Prices falling.
		<i>General Remarks.</i> —Slight rain in the Ferozepur district. Small-pox in Dera Ismail Khan city and fever in Peshawar, otherwise health of province is generally good. <i>Rabi</i> harvest nearly completed. Prices fluctuating.
<b>Central Provinces—(May 26th)</b>		
Nagpur . . . . .	<i>Nil</i>	Weather hot. Land being prepared for sowing. Fever, small-pox and cattle-disease in places. Prices stationary.
Jubbulpore . . . . .	<i>Nil</i>	Weather hot and windy. Winnowing nearly finished. Health fair. Prices easy.
Saugor (May 25th)	<i>Nil</i>	Weather cooler. Fever, small-pox, and cattle-disease continue. Prices fallen in Khatia taluk.
Seoni . . . . .	<i>Nil</i>	Weather cloudy and hot. Winnowing almost finished; <i>kharif</i> fields being ploughed. Slight small-pox. Prices easy.
Hoshangabad . . . . .	<i>Nil</i>	Weather hot. <i>Kharif</i> ploughings continue. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . . .	25	Weather cloudy and very hot. <i>Kharif</i> preparations continue. Health fair. Prices stationary.
Raipur . . . . .	<i>Nil</i>	Weather hot and cloudy. Ploughings continue. Cholera unobscured. Prices stationary.
Sambalpur (May 22nd)	11	Weather clear and hot. Ploughing in progress; sugarcane doing well. Cholera in places. Prices unchanged.
		<i>General Remarks.</i> —Weather hot and sometimes cloudy. Land being prepared for <i>kharif</i> sowings. Cholera severe in Raipur and small-pox in a few places. Prices steady.
<b>British Burma—(May 26th)</b>		
Akyah . (May 22nd)	0.03	Total rainfall 1.28. Public health good; cattle healthy.
Basson . . . . .	0.58	Total rainfall 5.54. Public health good; cattle healthy.
Rangoon . . . . .	0.85	Total rainfall 8.22. Public health good; cattle healthy.
Amherst (Moulmein)	4.03	Total rainfall 13.76. Public health good; cattle healthy.
Pegu . . . . .	0.14	Total rainfall 4.78. Public health and health of cattle good.
Henzada . . . . .	0.47	Total rainfall 3.04. Public health good; cattle healthy.
Prine . . . . .	0.11	Total rainfall 0.46. Public health and health of cattle good.
Toungthoo . . . . .	2.18	Total rainfall 8.0. Public health good; cattle healthy.
Thayetmayo . . . . .	0.24	Total rainfall 2.45. Public health good; cattle healthy.
		<i>General Remarks.</i> —Public health good; slight cattle-disease in Amherst district, elsewhere cattle healthy.
<b>Assam—(May 26th)</b>		
Gauhati . . . . .	1.70	Weather hot. Cholera still prevalent in the district; cattle disease reported from some mouzahs. Planting of sugarcane finished.
Sylhet . . . . .	0.50	State and prospects fair. Cattle-disease still prevalent in part of the district.
Cachar . . . . .	1.09	Weather warm. Cultivation for <i>aus</i> and <i>asra</i> crops continues. Common rice 14 seers 3½ chittacks per rupee. Four deaths from cholera from Sadr reported; general health good.
Dibrugarh . . . . .	.84	Weather warm; rain wanted. Prospects of tea and other crops depend upon rain.
<b>Mysore and Coorg—(May 26th)</b>		
Bangalore . . . . .	Civil and military stations, 2.03; Bangalore, 2.01; Mysore, 4.66; Kolar, 1.69.	Standing crops in good condition, except in parts of the Kolar district. Ploughing operations commenced in the Bangalore district; prospects of season favourable. Pasturage improved. Health generally good.
Mysore Mercara . . . . .	8.01	Heavy rain has fallen throughout the Province, with beneficial results; prospects of season and public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Berar and Hyderabad—</b>		
Amraoti (May 26th)	<i>Nil</i>	Weather hot, occasionally cloudy. <i>Kharif</i> preparations continue. Wheat 22 and <i>juar</i> 26 seers per rupee.
Akola	<i>Nil</i>	Weather hot. Ploughing for <i>kharif</i> continues.
Hyderabad	Average 4.24	Total rainfall since 1st January 48.3. Reaping of <i>tabi</i> crops continues. General health of <i>talukas</i> fair. Prices—wheat 15, coarse rice 11½, white <i>juar</i> 21, yellow <i>juar</i> 22, and <i>tur</i> 15 seers per current sicca rupee.
<b>Central India States— (May 26th)</b>		
Indore	<i>Nil</i>	Weather very hot. Prices steady. Health good.
Morar (Gwalior)	<i>Nil</i>	Weather seasonable. Health good.
Sutna	<i>Nil</i>	Weather very hot. Health good.
Neemuch	.05	Weather very stormy and sultry. Health good.
Goona	.13	Weather very hot. Health and prospects good.
Agar	<i>Nil</i>	Health and prospects fair.
Nowgong	.60	Weather normal, cloudy and hot. Health good. Prices easy and steady.
Rhopawar (Manpur)	Several light showers	Weather very hot. Health good. Prices stationary.
<b>Rajputana—(May 26th)</b>		
Abu (May 26th)	<i>Nil</i>	Weather seasonable. Measles prevalent. Weather very hot; temperature at 4 P.M. 98°.
Sirohi ( „ 23rd)	<i>Nil</i>	Tanks dry; wells low. Health good. Weather cloudy and windy during first portion of week; weather hot and clear during last week.
Marwar ( „ 21st)	<i>Nil</i>	About four months' water in tanks. Health good. Crops being still harvested. Weather partly cloudy; winds very hot; two dust-storms, nights close, and oppressive. Prices rising.
Kherwara ( „ 23rd)	.09	Tanks and wells lower. Health good. Prices steady. Weather very hot, cloudy, and windy at nights.
Meywar ( „ 22nd)	<i>Nil</i>	Tanks and wells decreasing. Health very good. Prices rising. Weather cloudy and stormy.
Pertabgarh ( „ „ )	<i>Nil</i>	Tanks altogether dry; some water in wells. Health good. Prices rising. Weather cloudy and showery, with storms.
Haroti ( „ „ )	Shahpura, .02	Weather sultry. Small-pox and measles prevalent.
Jhalawar ( „ 21st)	<i>Nil</i>	Weather very hot. Health fair.
Kotah ( „ 22nd)	<i>Nil</i>	Weather very hot. Health good.
Ajmere ( „ 25th)	<i>Nil</i>	Heat excessive. Tanks and wells decreasing. Slight fever and small-pox; three cholera cases in Ajmere, two fatal.
Jeypore ( „ „ )	<i>Nil</i>	Weather seasonable. Prices steady. Health fair.
Kerowlee ( „ 22nd)	<i>Nil</i>	Tanks dry; wells decreasing. Health good. Prices steady.
Dholepore ( „ „ )	<i>Nil</i>	Tanks and wells decreasing. Slight fever. Prices stationary. Health good.
Ulwur ( „ 25th)	<i>Nil</i>	Cotton being sown. Wells low. Health good.
Bikanir ( „ 22nd)	<i>Nil</i>	Measles in Bikanir; fever and small-pox in districts. Prices stationary. Weather very hot.
<b>Nepal—(May 21st)</b>		
Khatmandu	.75	

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. IV OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

First Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 2ND MAY 1885.		Total length open.	RECEIPTS FOR WEEK ENDING 1ST MAY 1886.		TOTAL RECEIPTS FROM 1ST APRIL TO 2ND MAY 1885.		TOTAL RECEIPTS FROM 1ST APRIL TO 1ST MAY 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
May 1886	Oudh and Rohilkhand	668	1,41,400	233	680	1,78,501	263	6,17,566	222	7,15,731	238	98,166	...
do. "	Madras	801	1,28,578	140	801	1,30,79	158	6,30,014	162	6,25,783	165	...	1,3,831
do. "	South Indian	654	1,01,518	155	654	94,385	144	4,13,522	138	4,38,051	151	25,470	...
do. "	Great Indian Peninsula	1,504	10,16,531	678	1,504	11,02,073	733	45,90,478	668	46,12,865	692	22,387	...
do. "	Bombay, Baroda and Central India	401	3,50,106	750	401	3,65,000	792	14,20,547	678	15,27,086	714	98,430	...
	<b>TOTAL</b>	<b>4,088</b>	<b>17,41,013</b>	<b>426</b>	<b>4,100</b>	<b>18,77,128</b>	<b>451</b>	<b>70,00,727</b>	<b>412</b>	<b>70,21,317</b>	<b>430</b>	<b>2,30,590</b>	<b>...</b>
	<i>State.</i>												
May 1886	East Indian	1,500	10,77,845	714	1,515	10,31,453	681	47,06,865	682	44,73,606	667	...	2,33,250
May "	Eastern Bengal	233	88,029	378	234	93,778	401	4,22,343	397	3,66,731	354	...	55,604
do. "	Nalhati	27	1,308	48	27	1,325	49	7,034	57	8,031	67	1,058	...
do. "	Northern Bengal	249	38,003	155	249	54,510	219	1,72,510	154	1,04,671	176	19,160	...
do. "	Kaunia-Dharla	37	2,701	75	37	3,333	63	14,122	83	10,410	64	...	3,712
do. "	Luhoot	230	20,633	118	240	20,014	120	1,30,180	134	1,42,781	131	3,596	...
do. "	Patna-Gya	57	11,168	106	57	11,084	204	51,054	195	60,355	238	9,298	...
do. "	Cawnpore-Acheta	249	17,085	60	253	24,841	98	70,539	67	97,410	87	26,877	...
do. "	Dildarnagar-Ghazipur	12	1,544	120	12	1,335	111	5,759	105	5,586	105	...	173
do. "	Rajputana-Malwa	1,411	3,33,497	236	1,411	3,61,000	251	14,60,537	228	16,31,000	261	1,61,463	...
do. "	Wardha Coal	45	13,346	297	45	17,302	384	62,730	305	70,131	307	10,401	...
do. "	Nagpur and Chhattisgarh	149	56,050	376	149	50,326	308	2,50,960	368	2,40,518	365	...	10,441
do. "	British Burma	254	75,500	297	327	52,315	160	2,60,055	232	2,43,897	168	...	25,048
do. "	Sindia	75	7,734	104	75	7,875	105	36,074	100	35,058	108	...	386
do. "	North-Western	1,803	6,85,459	380	1,803	4,50,044	251	33,00,102	400	22,71,719	284	...	10,97,143
do. "	Amritsar-Pathankot	60	5,040	77	60	5,319	81	31,803	100	29,132	100	...	2,051
do. "	Bareilly-Pilibhit	36	1,418	39	36	2,049	57	7,477	46	8,082	55	1,205	...
do. "	Dacca	10	1,841	184	86	8,940	104	9,831	215	22,920	60	13,089	...
do. "	Jorhat	23	506	22	30	598	20	1,713	16	2,640	20	933	...
do. "	Cawnpore-Kalpi	...	...	...	42	3,900	93	...	...	110,30	64	11,030	...
	<b>TOTAL</b>	<b>4,962</b>	<b>13,67,680</b>	<b>276</b>	<b>5,185</b>	<b>11,07,079</b>	<b>231</b>	<b>63,01,838</b>	<b>482</b>	<b>51,03,090</b>	<b>238</b>	<b>...</b>	<b>9,30,748</b>
	<b>AND TOTAL (GUARANTEED AND STATE)</b>	<b>10,550</b>	<b>41,86,538</b>	<b>306</b>	<b>10,860</b>	<b>41,05,660</b>	<b>378</b>	<b>1,87,07,430</b>	<b>380</b>	<b>1,78,58,013</b>	<b>371</b>	<b>...</b>	<b>9,30,417</b>
	<b>GROSS ESTIMATED EXPENSES</b>	...	...	...	...	...	...	<b>86,46,818</b>	<b>179</b>	<b>91,07,587</b>	<b>190</b>	<b>...</b>	<b>...</b>
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	<b>1,01,50,612</b>	<b>210</b>	<b>87,50,426</b>	<b>181</b>	<b>...</b>	<b>14,00,180</b>
	<i>Assisted Companies.</i>												
May 1886	Bengal-Central	126	9,496	75	126	9,731	77	49,629	86	44,208	80	...	5,421
do. "	Rohilkhand and Kumaon	67	6,060	90	67	7,977	119	25,188	83	34,387	116	9,090	...
do. "	Assam	78	3,329	43	78	7,285	93	20,377	57	30,044	90	10,507	...
do. "	Southern Mahratta	214	11,751	55	310	33,724	107	52,824	54	1,38,796	99	85,972	...
do. "	Bengal and North-Western	303	20,080	66	303	46,650	154	1,25,183	90	2,04,041	153	79,758	...
do. "	Tarakessur	22	5,226	238	22	5,530	251	31,074	300	31,423	319	7,349	...
	<b>TOTAL</b>	<b>810</b>	<b>64,942</b>	<b>80</b>	<b>912</b>	<b>1,10,897</b>	<b>122</b>	<b>3,04,275</b>	<b>82</b>	<b>4,84,599</b>	<b>120</b>	<b>1,80,324</b>	<b>...</b>
	<i>Native States.</i>												
May 1886	Bhavnagar-Gondal	103	26,520	137	103	30,814	159	1,17,389	133	88,401	104	...	28,988
do. "	Jodhpore	64	3,494	55	64	4,520	71	13,424	46	19,269	68	5,845	...
April "	Nizam's	...	(a)	...	...	(b)	...	(c) 83,536	193	(c) 74,140	177	...	9,396
May "	Mysore	140	8,312	60	140	7,912	57	34,509	54	34,438	56	...	71
do. "	Rajpura-Patiala	15	738	46	16	1,215	76	5,133	70	5,883	83	750	...
	<b>TOTAL</b>	<b>413</b>	<b>30,084</b>	<b>95</b>	<b>413</b>	<b>44,461</b>	<b>108</b>	<b>2,53,991</b>	<b>104</b>	<b>2,22,131</b>	<b>81</b>	<b>...</b>	<b>31,000</b>

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

) Return not received.  
) Total receipts from 1st to 25th April 1885.

(c) Total receipts from 1st to 24th April 1886.

SIMLA,  
14th May, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.



# The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

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SIMLA, SATURDAY, MAY 29, 1886.

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## STAR OF INDIA.

### NOTIFICATION.

*Simla, the 29th May, 1886.*

*No. 27 S.I.*

Her Majesty the Queen and Empress of India has been graciously pleased to make the following appointments to the Most Exalted Order of the Star of India:—

#### *To be Knights Commanders.*

The Honorable Theodore Cracraft Hope, C.S.I., C.I.E., (Barrister-at-Law), Member of the Council of the Governor-General of India.

Charles Edward Bernard, Esq., C.S.I., Bengal Civil Service, Chief Commissioner of Burma.

Nawab Khwaja Abdul Ghani, C.S.I., of Dacca.

William Chichele Plowden, Esq., F.S.S., late of the Bengal Civil Service (Retired).

#### *To be Companions.*

William George Pedder, Esq., Secretary of the Revenue, Statistics and Commerce Department, India Office.

Alexander Mackenzie, Esq., B.A., Bengal Civil Service, Secretary to the Government of India, Home Department.

Charles Bradley Pritchard, Esq., Bombay Civil Service, Commissioner of Customs, Salt, Opium and Abkari, Bombay.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Most Exalted Order of the  
Star of India.*

## INDIAN EMPIRE.

### NOTIFICATION.

*Simla, the 29th May, 1886.*

*No. 28 I.E.*

Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned gentlemen, who by their services have merited the Royal favour, to be Companions of the Order of the Indian Empire:—

Surgeon-General Michael Cudmore Furnell, M.D., Indian Medical Service, Surgeon-General with the Government of Madras.

Seth Lachhman Das, of Muttra.

Edward Spence Symes, Esq., Bengal Civil Service, Secretary to the Chief Commissioner of Burma.

Rao Bahadur Ranchhod Lal Chhotalal, President of the Ahmedabad Municipality.

Deputy Surgeon-General Alexander Morison Dallas, Indian Medical Service, Inspector-General of Civil Hospitals, Punjab.

Frederick Charles Kennedy, Esq., Manager of the Irrawaddy Flotilla Company, Limited, Burma.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Order of the Indian Empire.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 29th May, 1886.*

*No. 1755 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maharaj Kumari Radeshwari Kishori Kuar, of Tikari, in the District of Gya, Bengal, the title of "Maharani," as a personal distinction.

*No. 1756 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rameshwar Singh, of Durbhunga, the title of "Raja Bahadur," as a personal distinction.

*No. 1757 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rajendra Narayan Roy Chowdry, Zamindar of Bhowal, in the District of Dacca, Bengal, the title of "Raja Bahadur," as a personal distinction.

*No. 1758 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rai Mela Ram, of Lahore, the title of "Rai Bahadur," as a personal distinction.

*No. 1759 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Lalla Umrao Singh, Assistant Superintendent, Railway Mail Service, the title of "Rai Bahadur," as a personal distinction.

*No. 1760 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Mohesh Chandra Chakravarti, of Harisankerpore, in the District of Jessore, Bengal, the title of "Rai Bahadur," as a personal distinction.

*No. 1761 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Sahib Balaji Krishna Bendigeri, late Diwan of Savanur, in the Bombay Presidency, the title of "Rao Bahadur," as a personal distinction.

*No. 1762 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Narayan Sakharam Fadnis, Chairman of the Bench of Honorary Magistrates for the town of Satara and a member of the Municipal and Local Boards of Satara, the title of "Rao Bahadur," as a personal distinction.

*No. 1763 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Durga Prasad, Talukdar and Honorary Magistrate, Gorakhpur, North-Western Provinces, the title of "Rai Bahadur," as a personal distinction.

*No. 1764 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maulvie Muhammad Ali Khan, of Dinagepore, in the Rajshahye Division, Bengal, the title of "Khan Bahadur," as a personal distinction.

*No. 1765 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Shaikh Altaf Hosein, Rais of Lucknow, Landholder and Honorary Magistrate, Cawnpore, the title of "Khan Bahadur," as a personal distinction.

*No. 1766 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustomjee Jamasjee Ashburner, late Treasurer of the Bombay Currency Office, the title of "Khan Bahadur," as a personal distinction.

*No. 1767 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustomji Maneckji, late 1st Grade Clerk, Presidency Pay Office, Bombay, the title of "Khan Sahib," as a personal distinction.

*No. 1062 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Bhagwan Das, Commissariat Contractor and Banker, Rangoon, the title of "Rai Bahadur," as a personal distinction.

*No. 1063 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon the gentlemen mentioned below the title of "Kyet thaye zaung Shwe Salwè Ya Min," as a personal distinction:—

Maung Ba Wa, 2nd Judge of the Rangoon Small Cause Court.

Maung Po, Extra Assistant Commissioner, Insein.

Maung Po Hmyin, Honorary Magistrate and Municipal Commissioner, Rangoon.

H. M. DURAND,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

### APPOINTMENTS.

#### PERSONAL STAFF.

*No. 360.*

*Simla, the 29th May, 1886.*

The Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's Personal Staff:—

#### *To be Honorary Surgeons.*

Brigade-Surgeon W. Temple, M.B., V.C., Medical Staff.

Brigade-Surgeon J. A. Scott, Medical Staff.

O. R. NEWMARCH, *Colonel,*

*Offg. Secretary to the Government of India.*

# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 2-8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 12th May 1886.*

**No. 557.**—The following promotions are made with effect from the 10th March 1886, *vice* Lieutenant-Colonel J. Herschel, R.E., Deputy Superintendent, 1st Grade, retired:—

Major T. T. Carter, R.E., Deputy Superintendent, 2nd Grade, *on furlough*, to be Deputy Superintendent, 1st Grade.

Lieutenant-Colonel D. C. Andrew, S.C., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that grade.

Major A. W. Baird, R.E., Deputy Superintendent, 4th Grade, and *Officiating Mint Master, Calcutta*, to be Deputy Superintendent, 3rd Grade.

Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent, 4th Grade, *attached to the Afghan Boundary Commission*, is confirmed in that grade.

Lieutenant S. G. Burrard, R.E., Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

**No. 558.**—The following temporary promotions are made with effect from the 10th March 1886:—

Lieutenant-Colonel F. Coddington, S.C., Deputy Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 1st Grade.

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Lieutenant-Colonel H. S. Hutchinson, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

In suppression of Notifications Nos. 547, 548, and 549, dated 22nd March, 1886, the following

- Notifications of temporary promotions are issued:—

**No. 559.**—Major J. R. McCullagh, R.E., Officiating Deputy Superintendent, 3rd Grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 15th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 174, dated 19th March 1886, the following temporary promotions are made with effect from the same date:—

Mr. E. C. Barrett, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade

Lieutenant W. H. Pollen, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 560.**—Lieutenant-Colonel J. Waterhouse, S.C., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 140, dated 5th March 1886, the following temporary promotions are made with effect from the 21st idem.—

Lieutenant-Colonel R. Beavan, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant G. B. Hodgson, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 561.**—Major M. W. Rogers, R.E., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 60, dated 29th January 1886, the following temporary

promotions are made, with effect from the 21st idem:—

Colonel R. G. Woodthorpe, R.E., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant S. G. Burrard, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 562.**—With reference to Notification No. 405—42-13 S., dated 7th May 1886, of the Government of India, in the Revenue and Agricultural Department, Major C. Strahan, R.E., Deputy Superintendent, 2nd Grade, on special duty in Madras, having proceeded on furlough, the following temporary promotions are made, with effect from the forenoon of the 4th May 1886:—

Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, attached to the *Afghan Boundary Commission*, to officiate as Deputy Superintendent, 2nd Grade.

Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Mr. G. H. Cooke, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. A. D'Souza, Assistant Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 4th Grade.

*The 25th May 1886.*

**No. 564.**—Mr. E. C. Barrett, Officiating Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under Sections 71 to 74, Chapter V of the Civil Leave Code, with effect from 1st July 1886, or such subsequent date as he may avail himself of the same

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*  
*Offg. Surveyor General of India.*

## ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned candidates have passed the First Examination in Arts —

### FIRST DIVISION.

#### In Order of Merit.

1	Majumdar, Upendralal	...	Presidency College.
2	Brij Nandan Prasada Smith	...	Muir Central College.
3	Bhattacharyya, Munindranath	...	Presidency College.
4	Bandyopadhyay, Rakhalnandan	...	Sanskrit College.
5	Ghosh, Joginidhakumar	...	Dacca College.
6	Chatteropadhyay, Rukhladas	...	Krishnagar College.
7	Mitra, Narendrakumar	...	Presidency College.
8	Datta, Hirendranath	...	Ditto.
9	Sen, Ambikaprasad	...	Dacca College.
10	Bandyopadhyay, Haranachandra, No. 1.	...	Presidency College.
11	{ Bal Sureschandra	...	Dacca College.
	{ Datta, Pramadhanath	...	Presidency College.
13	Gangopadhyay, Hiranbaksor	...	Dacca College.
14	{ Mallik, Debendranath	...	St. Xavier's College.
	{ Sen, Gopibhushan	...	Hughli College.
16	Bhattacharyya, Hariprada	...	Metropolitan Institution.
17	Mukhopadhyay, Jogindranath	...	Free Church Institution, Calcutta.
18	Mianbhui Abdul Hussain	...	Jabalpur College.
19	Lahiri, Syamal	...	Free Church Institution, Calcutta
20	De, Chintamani	...	Dacca College.
21	Mitra, Adharchandra	...	Muir Central College.
22	{ Chakrabarti, Nrischandra	...	Dacca College
	{ Chaudhuri, Kunjamolun	...	Rajshahye College.
24	{ Datta, Bankubihari	...	Metropolitan Institution.
	{ Sen, Mohitchandra	...	Ditto.
26	Chatteropadhyay, Phakirchandra	...	General Assembly's Institution.
27	Mukhopadhyay, Syamadas	...	Hughli College.
28	Ray, Debiprasad	...	Jabalpur College.
29	" Malendranath	...	St. Xavier's College.
30	Chaudhuri, Saradacharan	...	Chittagong College.
31	{ Malini Nurrayan Korday	...	Free Church Institution, Nagpur.
	{ Sen, Binayendranath	...	Albert College.
33	Chakrabarti, Charuchandra	...	St. Xavier's College.

34	{ Datta, Harischandra	...	Ravenshaw College, Katak.
	{ Set, Nibaranchandra	...	General Assembly's Institution.
36	Chattopadhyay, Rajanimohan	...	Metropolitan Institution.
37	Das, Abinashchandra	...	Patna College.
	{ Bhattacharyya, Srigopal	...	Ravenshaw College, Katak.
38	{ Biswas, Kshirodkrishna	...	Presidency College.
	{ Pandit, Akshaykumar	...	Hughli College
41	Dover, R. W.	...	La Martinière College.
42	Sen, Akshaykumar	...	Dacca College
43	Chattopadhyay, Susilchandra	...	General Assembly's Institution.
	{ Abdul Hamid	...	Doverton College.
44	{ Amrit Ramchandra Bambawale	...	Jubbulpur College.
	{ Mukhopadhyay, Nandagopal	...	St. Xavier's College.
	{ Babonar, C. Jane	...	Doverton College.
47	{ Bandyopadhyay, Amulyachandra	...	Free Church Institution, Calcutta.
	{ Gopal Ji	...	Patna College.
50	Bandyopadhyay, Nibaranchandra	...	Hughli College.
51	Datta, Saratchandra	...	Patna College.
52	Bhattacharyya, Basuntakumar	...	Ripon College.
	{ Bandyopadhyay, Lalitkumar	...	St. Xavier's College.
53	{ Sen, Harendranath	...	Dacca College.
55	Ray, Baradakanta	...	Metropolitan Institution.
56	Das, Jadubendramundun	...	Midnapur College.
	{ Adhikari, Gopeshchandra	...	Free Church Institution, Calcutta.
57	{ Bhattacharyya, Nandalal	...	Hughli College.
59	Kesho Das	...	Muir Central College.
60	Baksi, Panchanan	...	Krishnagar College.
61	Pal, Harischandra	...	L. M. S. Institution, Bhowanipur.
62	Mallik, Prasaddas	...	Hughli College.
	{ Chakrabarti, Indulbhusan	...	General Assembly's Institution.
63	{ Gupta, Jnanendranath	...	Metropolitan Institution.
	{ Khan, Saratchandra	...	General Assembly's Institution.
	{ Lisle, Freda	...	Girls' High School, Allahabad.
67	Abbasuli Sirdar	...	Hughli College.

## SECOND DIVISION.

*In Alphabetical Order.*

	Ahmed Ullah	...	Hughli College.
	Ali Hasan	...	Patna College.
	Anant Lal	...	Muir Central College.
	Anup Singh	...	Bareilly College.
	Azad Ali	...	Dacca College.
	Bagchi, Brajanath	...	City College.
	„ Kailaschandra	...	Rajshahye College.
	Bagram, G.	...	St. Xavier's College.
	Bulkrishna Ramchandra Bakhale	...	Jubbulpur College.
10	Bandyopadhyay, Abinashchandra	...	Patna College.
	„ Atulkrishna	...	St. Xavier's College.
	„ Baranasi	...	Sanskrit College.
	„ Harmohan	...	M. A. O. College, Aligarh.
	„ Jyotindranath	...	Metropolitan Institution.
	„ Jyotishchandra	...	Ditto.
	„ Monmohan	...	Presidency College.
	„ Matilul	...	Metropolitan Institution.
	„ Niharanchandra	...	Dacca College.
	„ Nilratun	...	Hughli College.
20	„ Parbaticharan	...	Dacca College.
	„ Raghunath	...	Hughli College.
	„ Rastihari	...	Ripon College.
	„ Saradaprasad	...	St. Xavier's College.
	„ Susikumar	...	Jagamnath College.
	„ Satishchandra	...	Ditto.
	„ Sibnarayan	...	Free Church Institution, Calcutta.
	„ Taranath	...	Metropolitan Institution.
	„ Tinkari	...	Ditto.
	Barma, Kshetranath	...	Burdwan Raj College.
30	Basak, Rudhaballabh	...	Jagamnath College.
	Basu, Baikunthanath	...	Metropolitan Institution.
	„ Brajendrakumar	...	Berhampur College.
	„ Girishchandra	...	Ripon College.
	„ Gobindachandra	...	Ditto.

	Basu, Hariprasad	...	Metropolitan Institution.
	" Jyotindranath	...	Presidency College.
	" Nityananda	...	Metropolitan Institution.
	" Nripendra Nath	...	St. Xavier's College.
	Basudeva Narayan	...	L. M. College, Benares.
40	Belletty, L.	...	St. Xavier's College.
	Bera, Jayhari	...	Ripon College.
	Bhaduri, Indubhushan	...	Metropolitan Institution
	Bhagabandasa, Bhargaba	...	Muir Central College.
	Bhanja, Srischandra	...	L. M. S. Institution, Bhowanipur.
	Bhattacharya, Bihardal	...	Free Church Institution, Calcutta.
	" Biswanath	...	Metropolitan Institution.
	" Jananranjan	...	Krishnagar College
	" Kartikchand	...	General Assembly's Institution.
	" Nandalal	...	City College
50	" Saratchandra	...	Rajshahye College.
	" Surendranath	...	Burdwan Raj College.
	Bhaumik, Hemchandra	...	General Assembly's Institution.
	" Maheschandra	...	City College.
	Biswas, Gopalchandra	...	Metropolitan Institution.
	" Lalitkrishna	...	St. Xavier's College.
	" Saratchandra	...	Free Church Institution, Calcutta.
	" Taraprasad	...	Jagamath College.
	Blanchett, H.	...	Muir Central College.
	Bose, Bindubashini	...	Free Church Normal School.
60	Brenner, D. S.	...	La Martinière College.
	Cameron, Florence	...	Allahabad Girls' High School.
	Chakrabarti, Benimadhab	...	Krishnagar College.
	" Bijendrakumar	...	L. M. S. Institution, Bhowanipur.
	" Chandrakumar	...	Jagamath College.
	" Girischandra	...	Midnapur College.
	" Mahendranarayan	...	Metropolitan Institution.
	" Rajanikanta	...	Chittagong College.
	" Rajanikanta	...	Dacca College.
	" Rasikbilari	...	Ditto.
70	" Tarakeswar	...	Rajshahye College.
	Chandra, Rasmohan	...	Ditto.
	Chattopadhyay, Annadacharan	...	Metropolitan Institution.
	" Asutosh	...	Ripon College
	" Bhupatibhushan	...	Metropolitan Institution
	" Binodbihari	...	L. M. S. Institution, Bhowanipur.
	" Girijabhushan	...	Free Church Institution, Calcutta.
	" Hemchandra	...	Metropolitan Institution.
	" Jogeschandra	...	Hughli College.
	" Mathuranath	...	Dacca College
80	" Radhanath	...	Sanskrit College.
	" Rajendranath	...	Metropolitan Institution.
	" Rakhalechandra	...	Burdwan Raj College.
	Chambo, Devakinandan	...	Agra College
	Chandhuri, Annadacharan	...	Chittagong College.
	" Brindabanchandra	...	Free Church Institution, Calcutta.
	" Kedarnath	...	Metropolitan Institution.
	" Satismurayan	...	Rajshahye College.
	" Rakhaldas	...	Metropolitan Institution.
	Das, Jnanadiprasad	...	Jagamath College.
90	" Kandarapakumar	...	City College.
	" Krishnadhan	...	Metropolitan Institution.
	" Nagendrachandra	...	Ditto.
	" Radhamohan	...	Dacca College.
	Dasgupta, Jagneswar	...	Ditto.
	Datta, Binaykrishna	...	St. Xavier's College.
	" Chandicharan	...	Hughli College
	" Girischandra	...	Rajshahye College
	" Gobindakisor	...	Ripon College
	" Jnanendramohan	...	Patna College.
100	" Nabinkrishna	...	Metropolitan Institution.
	" Sasibhushan	...	St. Xavier's College.
	" Surendranath	...	Burdwan Raj College.
	De, Kailashchandra	...	Metropolitan Institution.
	" Nilmani	...	Free Church Institution, Calcutta.
	" Sureschandra	...	Metropolitan Institution.
	" Tulsiacharan	...	Ditto.

	Deb, Gobindachandra	...	Patna College.
	„ Mahendrachandra	...	Dacca College.
	Deefholts, L. J.	...	St. Xavier's College
110	Dhar, Gopalchandra	...	General Assembly's Institution.
	„ Haridas	...	Presidency College.
	Dharmakirti, J. A.	...	Trinity College, Kandy.
	Din Dyal	...	M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	...	St. Xavier's College.
	Gangadhar Sitaram Brahmarakshas	...	Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	...	Hughli College.
	„ Kaliprasanna	...	Ditto.
	Ghosh, Abinashchandra	...	Ravenshaw College, Katak.
	„ Basantakumar	...	General Assembly's Institution.
120	„ Bipinbihari	...	Rajshahye College.
	„ Bipinbihari	...	Madnapur College.
	„ Dharmadas	...	Metropolitan Institution.
	„ Haridas	...	Hughli College
	„ Harigopal	...	L. M. S. Institution, Bhowanipur.
	„ Jaygopal	...	Ditto ditto.
	„ Kripunath	...	Jagannath College.
	„ Lalitmohan	...	Free Church Institution, Calcutta.
	„ Narayandas	...	L. M. S. Institution, Bhowanipur.
	„ Nityananda	...	Patna College.
130	„ Suratchandra	...	Metropolitan Institution.
	„ Sasibhushan	...	Ravenshaw College, Katak.
	„ Satishchandra	...	Presidency College.
	„ Satishchandra	...	Patna College.
	„ Sitanath	...	City College.
	„ Tarachand	...	Metropolitan Institution.
	„ Taraknath	...	Ripon College.
	„ Unieschandra	...	Ditto.
	Ghoshal, Buradbihari	...	Presidency College.
	„ Manmohan	...	Free Church Institution, Calcutta.
140	Gopal Mukund Damlay	...	Jabalpur College.
	Goswami Jagadishchandra	...	Agra College.
	Guha, Biharilal	...	City College.
	„ Chandrakamata	...	Jagannath College.
	„ Ramchandra	...	Albert College.
	„ Umaprassanna	...	St. Xavier's College.
	Gun, Taraknath	...	Dacca College.
	Gupte, Dwijendranath	...	Hughli College.
	„ Jagneswar	...	Jagannath College
	Hajra, Anritakul	...	Metropolitan Institution.
150	Har Bilas	...	Ajmere Government College.
	Hiralal	...	Jabalpur College.
	Jaygobinda Sahay	...	Patna College.
	Jha, Bindhyanath	...	Benares College.
	Kar, Pramathachandra	...	Presidency College.
	Kastagiri, Hemendralal	...	Ditto.
	Kumar, Nriyagopal	...	Ditto.
	Kunda, Gopakrishna	...	Metropolitan Institution.
	„ Tarinicharan	...	City College.
	Kshatriya, Bhairahlal	...	Presidency College.
160	Lahiri, Bankimchandra	...	Rajshahye College
	„ Kalidas	...	Metropolitan Institution
	„ Mohinimohan	...	City College.
	Lakshman Pauditji	...	Free Church Institution, Nagpur.
	Mahadeo Gopal Borgunker	...	Jabalpur College.
	Mahanti, Narayanprasad	...	Teacher
	Mazra, Haridas	...	Presidency College.
	„ Ramchandra	...	Krishnagar College.
	„ Syamacharan	...	Metropolitan Institution.
	Majumdar, Asutosh	...	Rajshahye College.
170	„ Bananali	...	Metropolitan Institution.
	„ Hariunath	...	Ripon College.
	„ Kshetragopal	...	Krishnagar College.
	M. Ilak, Amritakrishna	...	General Assembly's Institution.
	Mandal, Kritibis	...	Ripon College.
	Manley, H. F.	...	Teacher.
	Maula Bakshi	...	Ditto.
	M. Farhat Ahmed	...	M. A. O. College, Aligarh.
	Misra, Bhubaneswar	...	Rajshahye College.
	„ Kanhaiya Lal	...	Barcilly College.

180	Mitra, Bijaykesab	... Metropolitan Institution.
	„ Gopalchandra	... Ditto.
	„ Jadunath	... Canning College.
	„ Jugnkisor	... St. Xavier's College.
	„ Jyotindralal	... Hughli College.
	„ Jyotishchandra	... Metropolitan Institution.
	„ Kshetranath	... Presidency College.
	„ Kinnudbihari	... Metropolitan Institution.
	„ Narendranath	... Presidency College.
	„ Nareschandra	... City College.
190	„ Saratchandra	... Ditto.
	„ Upendranathan	... General Assembly's Institution.
	Mohan Lal	... Teacher.
	Moung Ohu Hpay	... Rangoon College.
	Mahammad Abdul Rafay Khan	... Bareilly College.
	Mahammad Hasan	... Dacca College.
	Mukhopadhyay, Amritasekhar	... Berhampur College.
	„ Asutosh	... Metropolitan Institution.
	„ Atulchandra	... Patna College.
200	„ Gopalchandra	... Hughli College.
	„ Hurihar	... City College.
	„ Jaykrishna	... Metropolitan Institution.
	„ Jogindrachandra	... Hughli College.
	„ Jogindranath	... Burdwan Raj College.
	„ Kedarnath	... Hughli College.
	„ Kshetrachandra	... Presidency College.
	„ Nalinikanta	... Free Church Institution, Calcutta.
	„ Nilratna	... Burdwan Raj College.
	„ Tinkari	... Ditto ditto.
	„ Tulsidas	... St. Xavier's College.
210	„ Upendrachandra	... Jagannath College.
	Nag, Dakshinakumar	... City College.
	Nath, Amritlal	... Ditto.
	Ohdedar, Debendranath	... Muir Central College.
	Olur Rahman	... Dacca College.
	Pal, Achantal	... Free Church Institution, Calcutta.
	„ Amandaprasad	... Metropolitan Institution.
	„ Dwarkanath	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipur.
	„ Sarathnath	... Bishop's College.
220	Panda, Baijnath Deoshanker	... Jabbalpur College.
	Pandit, Biswambharmath	... Presidency College.
	„ Kashinath Ganjur	... Canning College.
	Pathak, Chandrakanta	... City College.
	Poddar, Bipinbihari	... Ditto.
	Ponsonby, P.	... St. Thomas College, Colombo.
	Po Thoung	... Rangoon College.
	Raghnath Prasad Sonar	... Jabbalpur College.
	Routh, Jagatchandra	... Dacca College.
	Ray, Indrakumar	... Krishnagar College.
230	„ Jadabamunda	... Rajshahye College.
	„ Jadunath	... Hughli College.
	„ Madhusudan	... Rajshahye College.
	„ Mahendralal	... Dacca College.
	„ Mohanmohan	... St. Xavier's College.
	„ Mahimchandra	... Ripon College.
	„ Nannadhab	... Patna College.
	„ Prasanna Kumar	... Ditto.
	„ Sradaprasad	... Krishnagar College.
	„ Satishchandra	... Ditto.
240	„ Satishchandra	... Dacca College.
	„ Satyendranath	... Metropolitan Institution.
	„ Unacharan	... St. Xavier's College.
	„ Upendranath	... Free Church Institution, Calcutta.
	Rymaulik, Binodbihari	... Dacca College.
	„ Priyabhushan	... Ditto.
	Rebeiro E.	... St. Xavier's College.
	Salea, Jogindralal	... Metropolitan Institution.
	Sanyal, Chandranath	... Rajshahye College.
	„ Piyarilal	... Ditto ditto.
250	Sarkar, Durganath	... Sanskrit College.
	„ Krishnaisundar	... General Assembly's Institution.
	„ Nagendranath	... Metropolitan Institution.

	Sarkar, Radhikaprasad	...	Ripon College.
	Sarma, Bishenlal	...	Agra College.
	" Kamajehandra	...	Metropolitan Institution.
	Sayyed Aulad Hosein	...	M. A. O. College, Aligarh.
	Sen, Bipinbihari	...	L. M. S. Institution, Bhowanipur.
	" Bishnupada	...	Free Church Institution, Calcutta.
	" Biswanath	...	Canning College.
260	" Gangaprasanna	...	Jagannath College.
	" Hemchandra	...	City College.
	" Jagadindrachandra	...	L. M. College, Benares.
	" Janendrakumar	...	L. M. S. Institution, Bhowanipur.
	" Kaliprasanna	...	Rajshahye College.
	" Nibaranachandra	...	Metropolitan Institution.
	" Narottamdas	...	Ditto ditto.
	" Praphullanath	...	Ditto ditto.
	" Purnamanda	...	L. M. College, Benares.
	" Saratchandra	...	L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	...	Metropolitan Institution.
	" Radheshchandra	...	Rajshahye College.
	Sheo Prasad	...	Fyzabad High School.
	Shivaram Sadashiva Pitambar	...	Jabalpur College.
	Shore, J.	...	St. George's College, Mussoorie.
	Shum Suzzola	...	Patna College.
	Siddha Gopal	...	L. M. College, Benares.
	Sil, Narayanprasad	...	Presidency College.
	" Rasik Lal	...	Free Church Institution, Calcutta.
	Sinha, Kumar Kumardhendra	...	Presidency College.
280	" Manuadrabai	...	St. Xavier's College.
	" Mathuramath	...	Metropolitan Institution.
	" Matilal	...	Burdwan Raj College.
	" Narigopal	...	Midnapur College.
	" Tarakanath	...	City College.
	Singh, Shivanath	...	Patna College.
	Strange, H. R. W.	...	Doverton College.
	Syed Ahmed Ali	...	Patna College.
	Syed Golam Furwash	...	Ditto.
	Syed Mahmud Al Hasan	...	Agra College.
290	Thomas, E. H.	...	St. John's College, Agra.
	Tiwari, Ambikacharan	...	Fyzabad High School.
	Trivedi, Ayodhya Prasad	...	Bareilly College.
	Uki, Ambikacharan	...	Ripon College.

## THIRD DIVISION.

*In Alphabetical Order.*

	Abu Saad	...	Patna College.
	Abul Mahmud	...	Calcutta Madrasa.
	Achikari, Aghornath	...	General Assembly's Institution.
	" Sufkari	...	Berhampur College.
	Afzal Hossain	...	Muir Central College.
	Aich, Ramprasad	...	Burdwan Raj College.
	Akbar Hossain	...	Teacher.
	Amr Nurayan	...	Patna College.
	Ashun Ullah	...	Jabalpur College.
30	Ashurfee Lal	...	Agra College.
	Bagehi, Durgadas	...	Metropolitan Institution.
	" Manaranjan	...	Burdwan Raj College.
	Baliram Anant Beshkar	...	Free Church Institution Nagpur.
	Baliram Naryan Deshmukh	...	Ditto.
	Balram Das	...	Muir Central College.
	Banarsi Das	...	M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	...	Hughli College.
	" Amritlal	...	Ripon College.
	" Aswinikumar	...	Dacca College.
	" Basantakumar	...	Free Church Institution, Calcutta.
	" Bijaychandra	...	Dacca College.
	" Charuchandra	...	Free Church Institution, Calcutta.
	" Dibakar	...	Ditto.
	" Haranachandra, No. II	...	Presidency College.
	" Haripada	...	Ripon College.
	" Harendramohan	...	Jagannath College.
	" Jogindrachandra	...	Free Church Institution, Calcutta.
	" Kalidas	...	Krishnagar College.

	Bandyopadhyay, Kalidas	...	Sanskrit College.
30	" Kesablal	...	Dacca College.
	" Kisorimohan	...	Metropolitan Institution
	" Kshitischandra	...	Berhampur College.
	" Lalitmohan	...	St. Xavier's College.
	" Rakhalidas	...	Rajshahye College.
	" Ramchandra	...	City College.
	" Saratchandra	...	Ripon College.
	" Saratkumar	...	Ditto.
	" Surendranath	...	Berhampur College.
	" Sureschandra	...	Canning College.
40	" Upendranath	...	Free Church Institution, Calcutta.
	Basak, Biharilal	...	Dacca College.
	Basu, Anuritalal	...	Ripon College
	" Baburam	...	Burdwan Raj College.
	" Bankubihari	...	Presidency College.
	" Baradaprasad	...	General Assembly's Institution.
	" Bhubaneswar	...	Metropolitan Institution.
	" Bidhubhushan	...	General Assembly's Institution.
	" Chandrakanta	...	Dacca College.
	" Dwijendranath	...	Berhampur College.
50	" Hirulal	...	Metropolitan Institution.
	" Jogindranath, No. I	...	Ripon College.
	" Kunjabihari	...	Canning College
	" Mahendranath	...	Metropolitan Institution.
	" Manmathanath	...	Ditto.
	" Nibaranachandra	...	Midnapur College.
	" Pannulal	...	Ripon College.
	" Pramodakumar	...	Metropolitan Institution.
	" Purnachandra, No. II	...	Ditto.
	" Sitaram	...	Teacher.
60	Bhaduri, Saratchandra	...	Muir Central College.
	Bhar, Kanailal	...	General Assembly's Institution.
	" Purnachandra	...	Ripon College.
	Bhairo Dyal	...	Patna College.
	Bhaskar Rao	...	Free Church Institution, Nagpur.
	Bhattacharyya, Bholanath	...	Sanskrit College.
	" Bipinbihari	...	Metropolitan Institution.
	" Chandroday	...	Albert College.
	" Debendranath	...	Patna College.
	" Ramakshay	...	Burdwan Raj College.
70	" Ramprasanana	...	Canning College.
	" Saratkumar	...	St. Xavier's College.
	" Sibunath	...	Teacher.
	Bhikkan Lal	...	Bareilly College.
	Bhunia, Radhakrishna	...	Metropolitan Institution.
	Bindeshwari Prasad Paudi	...	Muir Central College.
	Bishwambhar Dayal	...	Canning College.
	Biswas, Kailaschandra	...	Burdwan Raj College.
	" Kamikshyanath	...	Metropolitan Institution.
	" Kusigopal	...	Jaganmuth College.
80	" Rajanikanta	...	Krishnagar College.
	Blanchett, E. P.	...	Muir Central College.
	Chakrabarti, Durgadas	...	Hughli College.
	" Hridaynath	...	Free Church Institution, Calcutta.
	" Jaykali	...	Ditto.
	" Kasinath	...	Burdwan Raj College.
	" Rajaninath	...	Jaganmuth College.
	" Ramkamal	...	General Assembly's Institution.
	" Srischandra	...	Canning College.
	Chandra, Banamali	...	Midnapur College.
90	" Rajchandra	...	Presidency College.
	Changdar, Sasikisor	...	Rajshahye College.
	Chhatradhari Lal	...	Patna College.
	Chattopadhyay, Annadacharan	...	General Assembly's Institution.
	" Atulchandra	...	Ripon College
	" Binaykrishna	...	Free Church Institution, Calcutta.
	" Girichandra	...	Ditto.
	" Gurudas	...	Albert College.
	" Haridas	...	General Assembly's Institution.
	" Harinath	...	Free Church Institution, Calcutta.
100	" Haripada	...	Krishnagar College.

	Chattopadhyay, Jitendraprasad	...	Krishnagar College.
	" Kanailal	..	Presidency College.
	" Kshetranath	...	Burdwan Raj College.
	" Nagendranath	...	Ripon College.
	" Nilkanta	...	Albert College.
	" Purnachandra	...	Teacher.
	" Purnananda	...	Ravenshaw College.
	" Santoshkumar	...	Metropolitan Institution.
110	" Satkari	...	L. M. S. Institution, Bhowanipur.
	" Satyacharan	...	Hughli College.
	" Satyendranath	...	City College.
	" Sitannath	...	Jagannath College.
	Chaudhuri, Agnikumar	...	Ditto.
	" Akhileshandra	..	Burdwan Raj College.
	" Benimadhab	...	Albert College.
	" Harinath	...	L. M. S. Institution, Bhowanipur.
	" Jogindranath	..	Free Church Institution, Calcutta.
	" Madanmohan	...	Burdwan Raj College.
	" Mahesachandra	...	Ripon College.
120	" Mangobinda	...	Hughli College.
	" Pramathanath	...	Berhampur College.
	" Pratapchandra	...	Jagannath College.
	" Purnachandra	..	Dacca College.
	" Ramnarayan	..	General Assembly's Institution.
	" Saratchandra	..	Hughli College.
	" Sasikumar	...	Ripon College.
	" Sitalechandra	...	Ditto.
	" Surendranath	...	Metropolitan Institution.
	Clarke, A. J.	...	Muir Central College.
130	Dana, Niharachandra	...	Burdwan Raj College.
	Das, Amulyacharan	..	Albert College.
	" Annadacharan	..	General Assembly's Institution.
	" Basantakumar	...	Hughli College.
	" Bhagabachandra	...	Ripon College.
	" Biswanubharcharan	..	Metropolitan Institution.
	" Dutiram	...	City College.
	" Gobindachandra	...	Metropolitan Institution.
	" Harendranath	...	Ditto.
	" Kuladuprasad	..	Jagannath College.
140	" Kunjabihari	...	Midnapur College.
	" Narendrachandra	...	Metropolitan Institution.
	" Padmanath	...	City College.
	" Prakasachandra	...	Jagannath College.
	" Ramanimohan	...	Metropolitan Institution.
	" Ramprasad	...	Free Church Institution, Calcutta.
	Dasgupta, Abinashchandra	..	Dacca College.
	" Sriskamal	...	Free Church Institution, Calcutta.
	Dassawoo, Aghornath	...	Metropolitan Institution.
	Datta, Anilechandra	...	Presidency College.
150	" Annadaprasad	...	L.M.S. Institution, Bhowanipur.
	" Aswinikumar	..	Jagannath College.
	" Atulechandra	..	Chittagong College.
	" Biharilal	..	Ripon College.
	" Chandrakisor	..	General Assembly's Institution.
	" Charuchandra	..	Ditto.
	" Jogindrachandra	...	Metropolitan Institution.
	" Juaneudranath	...	Free Church Institution, Calcutta.
	" Kalikamal	...	Rajshahye College.
	" Krishnamadhab	...	Burdwan Raj College.
160	" Lalbihari	...	L. M. S. Institution, Bhowanipur.
	" Madanmohan	...	Presidency College.
	" Nagendrachandra	...	Ditto.
	" Rasbihari	...	Hughli College.
	" Satyabhushan	..	Dacca College.
	" Sureschandra	..	Albert College.
	" Taranath	...	Metropolitan Institution.
	De, Sasimohan	...	General Assembly's Institution.
	Deb, Makundalal	...	Rajshahye College.
	" Saratchandra	...	Dacca College.
170	Devanath Sahay	...	Patna College.
	Dube, Har Dayal	...	Canning College.
	Edwards, J. R.	...	Trinity College, Kandy.
	Enda, Kailashchandra	...	Metropolitan Institution.
	Faizuddin Mollah	...	Free Church Institution, Calcutta.

	Fernand, W. J. A.	... Teacher:
	Fuzlal Huq	... St. Xavier's College.
	Gangopadhyay, Anisprakas	... Free Church Institution, Calcutta.
	" Nanigopal	... Ripon College.
	Ghatak, Mohinimohan	... Rajshahye College.
180	Ghosh, Abinashchandra	... Free Church Institution, Calcutta.
	" Akhilechandra	... Patna College
	" Anukulechandra	... Ripon College.
	" Anukulechandra	... Metropolitan Institution*
	" Asutosh	... Benares College.
	" E.	... St. Xavier's College.
	" Gobindachandra	... Chittagong College.
	" Harischandra	... Muir Central College.
	" Juanchandra	... Metropolitan Institution.
	" Jogindranath	... Free Church Institution, Calcutta.
190	" Kedarnath	... Benares College.
	" Kumudbhari	... Burdwan Raj College.
	" Lalgopal	... City College.
	" Nibinachandra	... Metropolitan Institution.
	" Nisindachandra	... Ditto
	" Unieschandra	... Ditto
	Golam Hossain	... Hughli College.
	Gopal Ramchunder Kango	... Jabalpur College
	Gopinath	... Jaypur Maharaja's College.
	Gordon, J. W. D.	... Muir Central College.
200	Goswami, Haridhan	... Free Church Institution, Calcutta.
	Gregory, G.	... St. Xavier's College.
	Gulha, Atulchandra	... Jagannath College.
	" Hemendranath	... Berhampur College.
	" Jagadis	... Dacca College.
	" Mukundnath	... Jagannath College
	Gupta, Asutosh	... Burdwan Raj College.
	" Radhanath	... Jagannath College.
	Handy, C. C.	... Trinity College, Kandy.
	Harsaran	... St. John's College, Agra.
210	Harilur Prasad	... Patna College
	Harris, E. F.	... Agra College.
	Hajra, Kalipada	... Midnapur College.
	Hensman, J. S.	... Trinity College, Kandy.
	Jagadanibha Prashad	... St. John's College, Agra
	Jagannath Sahay	... Patna College.
	Jagat Narayan	... Muir Central College
	Kanbia Lal Srivastava	... Canning College.
	Kazi Saiyid Hamid Ali	... M. A. O. College, Aligarh.
	Khalcebur Rahman	... Patna College.
220	Khattry, Kanhya Lal	... Canning College.
	Kishun Sahay	... Patna College.
	Kundu, Chamilal	... Metropolitan Institution
	Lala, Anbadacharan	... Chittagong College.
	Lal Bilhari Naguma	... Canning College.
	Lalji Saha	... Patna College.
	Lalla Durgacharan Srivasto	... Canning College.
	Mahapatra, Tarapada	... Free Church Institution, Calcutta
	Mahendra Prasad	... Patna College
	Maitra, Chandicharan	... Burdwan Raj College.
230	" Chandrabhushan	... Ripon College.
	" Radhika Krishna	... Rajshahye College.
	" Rajendralal	... Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	... Rajshahye College.
	" Haladhar	... Jagannath College.
	" Kedarnath	... Free Church Institution, Calcutta
	" Prabodhchandra	... Ripon College.
	" Priyanath	... Burdwan Raj College
	" Surendrananda	... Rajshahye College.
	" Tarincharan	... Patna College.
240	Mallik, Debendrachandra	... Burdwan Raj College.
	Mandal, Sasadhar	... Free Church Institution, Calcutta.
	Md. Karim Uddin	... Baroilly College.
	Md. Sakawat Hosen	... Ditto.
	Moor Musli Hossain	... Presidency College.
	Mirza Wajihut Husain	... Patna College.
	Misra, Ram Dayal	... Canning College.
	Mitra, Bhubanbhar	... General Assembly's Institution.

	Mitra, Harendranath	...	General Assembly's Institution.
	" Jogindranath	...	City Collage.
250	" Kalibar	...	Metropolitan Institution.
	" Krittibas	...	L. M. S. Institution, Bhowanipur.
	" Madanmohan	...	Dacca College.
	" Nibaranohandra	...	Ripon College.
	" Saradaprasanna	...	Metropolitan Institution.
	" Sureschandra	...	Patna College.
	Muhammad Abdul Moqit	...	St. Xavier's College.
	Muhammad Hobiullah	...	Free Church Institution, Calcutta.
	Muhammud Maqboob Alam	...	Muir Central College.
	Muhammad Matin	...	Ditto.
260	Muhammad Noor	...	Patna College.
	Muhammad Zahur Alam	...	Free Church Institution, Calcutta.
	Mukhopahyay, Abinas chandra	...	Canning College.
	" Ayodhyannath	...	Hughli College.
	" Asutosh, No. II	...	Ripon College.
	" Baranasi	...	Krishnagar College.
	" Bhagabaticharan	...	Metropolitan Institution
	" Bidhubhushan	...	Krishnagar College.
	" Debendranath	...	Metropolitan Institution.
	" Gopinath	...	Berhampur College
270	" Jitendranath	...	Ditto.
	" Kanailal	...	St. Xavier's College.
	" Krishnadhan*	...	Metropolitan Institution.
	" Kshirodkumar	...	Patna College.
	" Nagendranath (Sr )	...	Metropolitan Institution
	" Nagendranath	...	Muir Central College
	" Nanigopal	...	Sanskrit College.
	" Purnachandra	...	Patna College
	" Piyarimohan	...	Metropolitan Institution.
	" Radhukacharan	...	Free Church Institution, Calcutta.
280	" Kamnohan	...	Ripon College.
	" Saratchandra	...	Ditto.
	" Sasudhar	...	Burdwan Raj College.
	" Sasankamohan	...	Dacca College.
	" Satischandra	...	Jagannath College.
	" Satsaran	...	L. M. S. Institution, Bhowanipur.
	" Upendranath	...	St. Xavier's College.
	Mundle, Bibhoodan	...	Bi-hop's College.
	Mustafi, Debendranath	...	Ripon College
	" Satischandra	...	Presidency College.
290	Nandi, Dakshinacharan	...	City College
	Narayan Sahay	...	Patna College.
	Niyogi, Brajanandan	...	Burdwan Raj College.
	" Saratchandra	...	Free Church Institution, Calcutta
	Nisar Ahmed	...	M. A. O. College, Aligarh.
	Poddar, Gopiraman	...	Chittagong College.
	Pal, Akshaykumar	...	Bareilly College.
	" Tarakchandra	...	Jagannath College
	Palit, Hridaynath	...	City College.
	" Satelhitannanda	...	Ripon College.
300	Pande, Kaliprasanna	...	Burdwan Raj College
	Pandit, Shankar Lal	...	Muir Central College
	" Suraj Nath	...	Ditto
	Prag Din Shurma	...	Canning College.
	Qameem Beg Chagtai	...	Agra College.
	Radha Kishen	...	St. John's College, Agra.
	Rahmat Ullah	...	Jabalpur College.
	Rahmat Ullah	...	Agra College.
	Ramchandra Prasad	...	Patna College.
	Ram Das	...	St. John's College, Agra.
310	Ram Newas	...	Jaypur Maharaja's College.
	Ram Prasad	...	M. A. O. College, Aligarh
	Ram Sarup	...	Muir Central College.
	Ray, Basantamohan	...	St. Xavier's College
	" Bhabunicharan	...	Ripon College.
	" Binodechandra	...	Burdwan Raj College
	" Birajmohan	...	St. Xavier's College.
	" Brajendrachandra	...	Burdwan Raj College
	" Chumilal	...	St. Xavier's College.
	" Dinosechandra	...	City College.
320	" Dolgobinda	...	Burdwan Raj College
	" Durgakanta	...	Metropolitan Institution

\* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranārayan	... Midnapur College.
	" Harinath	... Presidency College.
	" Harinarayan	... Rajshahye College.
	" Hariranjān	... Burdwan Raj College.
	" Janendramohan	... Albert College.
	" Kailaschandra	... Jagannath College.
	" Kshetraprasad	... Burdwan Raj College.
	" Nārāyānchandra	... General Assembly's Institution.
330	" Nrityagopal	... Albert College.
	" P. N.	... Canning College
	" Parbatidas	... Berhampur College.
	" Rasnikari	... Dacca College.
	" Saratchandra	... Burdwan Raj College.
	" Sasibhushan	... Ripon College.
	" Surendranath	... Burdwan Raj College.
	• Raychaudhuri, Asutosh	... Ditto.
	" Brindabanchandra	... Hughli College.
	" Surendrakumar	... Metropolitan Institution.
340	S. M. Ishaq	... Muir Central College.
	Saha, Harilal	... Metropolitan Institution.
	Salt, E. P.	... St. Peter's College, Agra.
	Sambhu Nath	... Patna College.
	San La	... Rangoon College.
	Saughat Ali	... Calcutta Madrasa.
	• Sanyal, Baidyanath	... Dacca College.
	" Chandramay	... St. Xavier's College.
	" Radhikaprasad	... Free Church Institution, Calcutta.
	" Satischandra	... Rajshahye College.
350	Sarkar, Baradakanta	... Free Church Institution, Calcutta.
	" Harihbhushan	... Metropolitan Institution.
	" Priyanath	... Free Church Institution, Calcutta.
	Sarma, Gopinath	... Agra College.
	Satikrishna Swarup	... Muir Central College.
	Sayyid Zaheeruddin Ahmed	... St. Xavier's College.
	Sayyid Zamiruddin Ahmed	... Presidency College.
	Sen, Binodbihari	... General Assembly's Institution.
	" Jagindrakumar	... Ditto.
	" Kaliprasanna	... Ditto.
360	" Kshirendrasankar	... Berhampur College.
	" Mahendrakumar	... Dacca College.
	" Mahendrakumar	... General Assembly's Institution.
	" Parsanath	... Albert College.
	" Purnachandra	... Rajshahye College.
	" Rajkumar	... General Assembly's Institution.
	" Syamaacharan	... Chittagong College.
	Sengupta, Saratchandra	... Metropolitan Institution
	" Taruprasad	... Sanskrit College.
	Set, Upendranath	... Free Church Institution, Calcutta.
370	Shyam Lal	... Fyzabad High School.
	Sil, Jaharlal	... Metropolitan Institution.
	Singha, D.	... Bishop's College.
	Singh, Gurusahay	... Patna College.
	" Ramadlukari	... Ditto.
	Sinha, Baikunthanata	... Ripon College.
	" Harimohan	... General Assembly's Institution.
	" Hirulal	... Benares College.
	" Kumar Pramodechandra	... Presidency College.
	" Sasibhushan	... Canning College.
380	" Srimohan	... St. Xavier's College.
	Sinharav Abinashchandra	... Hughli College.
	Sitaram Ganesh Bhagwet	... Jabalpur College.
	Sivanandan Lal	... Patna College.
	Som, Nandalal	... Free Church Institution, Calcutta.
	" Pareschandra	... Ripon College.
	" Rameschandra	... Metropolitan Institution.
	Supurus Das	... Patna College.
	Sur, Sitamuthi	... Jagannath College.
	Suryya Kumar	... Patna College.
390	Syed Abdul Majid	... Hughli College.
	" Ali Mazhar	... Patna College.
	" Hasrat Alley	... Hughli College.
	" Mustafa	... Muir Central College.
	" Warasat Hosain	... Patna College.

	Tewari, Satischandra	...	Burdwan Raj College.
	" Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Perhampur College.
	They, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annadaprasad	...	Ripon College.
400	" Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College

The undermentioned candidates have passed the Entrance Examination :—

FIRST DIVISION.

*In Alphabetical Order.*

	Adhikari, Kesublal	15	Metropolitan Institution
	" Ramdayal	15-5	Dumka Zila School.
	Afsaruddin Mahommed	16	Barisal Zila School.
	Agha Husain	20	M. A. O. College, Aligarh.
	Ahmad Kabir	17	Chittagong Collegiate School.
	Akhar Masih	20-2	Banda Zila School.
	Ali Hassan	16-9	Bhagalpur Zila School.
	Atmaram, Narayan Shroudy	17	City School, Nagpur.
	Augustas, J.	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	20-3	Rangoon College.
	Avadha Biharilal	17-9	Allahabad Government High School.
	Bagehi, Jyotindramohan	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	15-4	Baluti H. E. School.
	" Bipinbhari	15-2	Bapkhura Zila School.
	" Harendranath	16-8	Hughli Collegiate School.
	" Purnachandra	17	Balagarh School.
	" Ramchandra	15-6	Barisal Zila School.
	" Saradaprasad	15-5	Hare School.
	" Sasibhushan	18-3	Dacca Pogoso School.
20	" Sasisekhar	16	Metropolitan Institution.
	" Satischandra	14-9	M. A. O. College, Aligarh.
	" Satinath	16-2	Dacca Collegiate School.
	" Upendralul	19-6	Canning College, Lucknow.
	Baqar Husain	17	Allahabad Government High School.
	Barlow, T.	15-9	St. Xavier's College.
	Beehey, F.	16-4	Bishop Cotton School, Simla.
	Bhagat Ram	18-6	Luthiana Mission School.
	Basu, Asutosh	19	Donogh High School, Jamalpur.
	" Asutosh	18-4	Hughli Collegiate School.
30	" Binodbihari	15 6	Hare School.
	" Girischandra	17-7	Uttarpara School.
	" Haricharan	17	Dacca Collegiate School.
	" Janakinath	16 2	Hindu School.
	" Sureschandra	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhushan	14-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	17-10	Sanskrit Collegiate School.
	" Basantakumar	15	Barisal Government School.
	" Gopalchandra	15	Hughli Branch School.
	" Mahimanath	15-10	Hindu School.
40	" Narayanachandra	16 6	City Collegiate School.
	" Padmanath	16 5	Sylhet Government High School.
	" Rampran	16	Sanskrit Collegiate School.
	" Sureschandra	16	Harnavi A. S. School.
	Biswas, Jagadballabh	15-3	Rajshahye Collegiate School.
	" Kunjabihari	16	Metropolitan Institution.
	" Nellie	.....	Cawnpur Girls' High School.
	Boso, A. L.	15-8	Private Student.
	Brooking, Cecilia	.....	Convent School, Rangoon.
	Buchanan, W. J.	15-1.	Rangoon College.
50	Cansley, H. B.	16	Mussoorie School.
	Cartland, Ruth	...	Doveton Institution.
	Chakladar, Krishnanath	19-2	Mymensingh Zila School.
	Chakrabarti, Amrital	16	Albert Collegiate School.
	" Aswinikumar	15	Dacca National School
	" Banamali	20	City Collegiate School.
	" Chintaharan	18-10	Dacca Collegiate School.
	" Gangeschandra	18	Santosh Janhabhi School.

	Chakrabarti, Hemchandra	...	17-3	Sylhet Government High School.
	" Mahimachandra	...	18-11	Mymensingh Zila School.
60	Chandra, Atulchandra	..	16-3	Hindu School.
	" Matlilal	...	15-8	Hughli Collegiate School
	Channukam, J. K.	...	22-9	Canadian Mission High School. Indore.
	Chattopadhyay, Amritlal	...	16	Hindu School.
	" Bankinchandra	...	18	Dacca Pogose School.
	" Bipinbihari	...	17	Sanskrit Collegiate School.
	" Khagendranath	...	16-1-11	Uttarpara School.
	" Manmohan	...	16	Nimal H. E. School.
	" Phanindranohan	..	13-11	Ravenshaw Collegiate School, Katak.
	" Prabodhchandra	...	16-1	Hare School.
70	" Raikisor	..	17	Ruplal Raghnath School.
	" Saratchandra	...	18	Calcutta Training Academy
	" Sriram	...	14-8	Madrasa-i-Anwaria.
	" Surendranath	...	15	Howrah Government School
	Chaudhuri, Asitchandra	..	15-8	Comillah Zila School.
	" Jaynarayan	...	17-6	Ravenshaw Collegiate School, Katak.
	" Madanmohan	...	16-5	Purbia Zila School.
	" Srischandra	...	15-2	Dacca Collegiate School.
	" Surendranarayan	..	15	Natal H. E. School.
	Colthurst, L. S.	...	18-4	Doveton College.
80	Das, Benimadhab	...	19-3	Chittagong Collegiate School.
	" Bidhubhushan	..	16-6	Midnapur Collegiate School
	" Bipinchandra	...	19-8	Jagannath Collegiate School.
	" Gopalchandra	...	18-11	Sylhet Government High School.
	" Gurusaran	...	17-4	Allahabad Government High School.
	" Purnachandra	...	17	Santipur Municipal School.
	" Raimohan	...	18	Dacca National School.
	Dasgupta, Manoranjan	...	13	Kaha H. E. School.
	Datta, A.	...	17-6	St. Xavier's College.
	" Atulchandra	...	13-9	Dacca Collegiate School.
90	" Bhambamohan	..	15-2	Metropolitan Institution.
	" Nagendranath	...	16	Ditto.
	" Satyendranath	...	16-1	Patna Collegiate School.
	D'Abreu, Sophia	..	..	Cawnpur Girls' High School.
	D'Sylva, E.	...	15-10	St. Xavier's College.
	DeSylva, J. S.	...	17-9	Prince of Wales' College Moratuwa.
	De, Adharchandra	...	16	Howrah Government School.
	" Bipinbihari	...	16-2	Uttarpara School.
	" Brajendrakumar	...	14-6	Town School, Midnapur.
	" Haribhushan	...	16	Hindu School
100	" Kiranchandra	...	15	Metropolitan Institution.
	Dhar, Butakrishna	...	15-6	City Collegiate School
	Dube, Bholanath	...	17-10	Kandi School.
	Emile, C. H. A.	...	17-5	Canning College, Lucknow.
	Falkner, G.	...	18-6	St. Xavier's College
	Foley, E. J.	..	19-6	Doveton College.
	Ford, W. R. C.	...	17-6	Private Student.
	Fox, A.	...	15-4	St. George's College, Mussoorie.
	" Helen	...	..	Doveton Institution
	Foy, G. E.	..	15-5	Allahabad Government High School.
110	Furdoonjee Muncherjee	..	19	St. Francis de Sales' School, Nagpur.
	Gangopadhyay, Gopalchandra	..	13-6	Santipur Municipal School.
	" Jaygopal	...	15	Bhagalpur Zila School.
	" Nisikanta	...	21-10	Mymensingh Zila School.
	" Ramanimohan	..	16	Purnia Zila School
	Ganpati Krishna Chitley	...	17	F. O. Institution, Nagpur.
	Ghosh, Anilchandra	...	15	Metropolitan Institution.
	" Baroduprasanna	...	19	Taki Government School.
	" Dasuruthi	...	16-5	Hughli Branch School.
	" Gopalchandra	..	18	Natal H. E. School.
120	" Maheschandra	..	17-9	Hazaribagh Zila School.
	" Manmathnath	...	17	Metropolitan Institution.
	" Prasannakumar	...	17-4	Barisal Zila School.
	" Ramaprasad	...	15	Hare School.
	" Santiram	...	16-7	Oriental Seminary.
	" Satishchandra	...	16-4	Metropolitan Institution, B. Branch.
	" Upendranath	...	17-1	Saradaprasad Institution, Chakdighi.
	Ghoshal, Plakirchand	...	16	Bagnan H. E. School.
	Gonsalves, W.	...	15-11	St. Xavier's College.
	Goodman, W. J.	...	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	...	18-3	Moradabad Government High School.
	Gordon, E. D.	...	17-3	Allahabad Boys' High School.
	Gracias, H. D.	..	16	St. Xavier's College.
	Gruha, Priyanath	...	17-2	Dacca Collegiate School.
	Habibullah Kaderbhoy M.	...	18-10	Jabalpur Collegiate School.
	Harrison, A. G.	...	16	St. George's College, Mussoorie.
	Howe, R. T. V.	..	17-7	Doveton College.
	Hurprashad Gour	...	16-3	F. C. Institution, Nagpur.
	Jagunnath Prasada	...	15-3	Benares Collegiate School
	Jayatilake, D. B.	..	17-11	Wesley College, Colombo.
140	Johory, E.	..	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	...	17-5	Ditto ditto.
	Kamala Charan	...	17-2	Patna Collegiate School
	Keshao Ballal	...	18-2	F. C. Institution, Nagpur
	Knight, Ethel	..	...	Allahabad Girls' High School.
	Lala Thakur Prasad	..	17-5	Jabalpur Collegiate School.
	Mahadeva Prasada	...	17	Jaunpur C. M. High School
	Maumdar, Bhupendranath	...	17	Bhagalpur Zila School.
	Makund Rao Loukras	...	15-10	Jabalpur Collegiate School.
	Mandal, Gokulchandra	...	14-10	Hughli Collegiate School.
150	McNaught, J. H.	...	18-3	St. Paul's School Darjeeling.
	Mendis, H. J.	...	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	..	18-10	Darbhanga High School.
	Misra, Madhu Sodhon	...	21-4	Sambalpur High School
	" Sripati	...	16	Arrah Zila School.
	Mitra, Abinuschandra	...	15	Jirat Chandrakona H. C. E. School.
	" Anarendrachandra	...	17-5	Birbhum School.
	" Annadaprasad	...	14-9	Searsole H. E. School
	" Debendrakumar	..	16	Debrugarh High School.
	" Henschandra	..	16	Hindri School.
160	" Saratchandra	...	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Muhammad Askri	...	19-3	Canning College, Lucknow.
	Muhammad Abid	..	18	Arrah Zila School.
	" Abdul Hafiz	..	17	Jabalpur Collegiate School.
	" Abdul Bashir Khan	..	17-2	Ditto
	" Esa	...	16-8	Patna Collegiate School.
	" Manzurullah	..	19	Moradabad Government High School
	Mukhopadhyay, Bhabatara	..	16	Bhagalpur Zila School.
	" Charuchandra	..	16	Barisal H. C. E. School.
	" Girjabhushan	...	16-7	Patna Collegiate School.
170	" Gobindabandhu	...	15-3-10	Debrugarh High School.
	" Jahnabicharan	...	15-2	Hughli Collegiate School
	" Jajneswar	..	16-8	Lahore District School
	" Jogindranath	..	16-11	South Suburban School, Bhowanipur.
	" Jogindranath	...	15	L. M. S. Institution, Bhowanipur
	" Jyotindranathan	...	18-4	Hindu School
	" Nabagopal	...	17-2	Balagarh School.
	" Prannathnath	...	15-4	Halisahar English School.
	" Satishchandra	..	18-7	Dacca Collegiate School.
	" Satyabhushan	...	16-3	Rajshahye Collegiate School.
180	" Satyaprasanna	...	16-8	Birbhum School
	Mulraj	...	18-9	Ludhiana Mission School
	Muttiah, J.	...	17-4	Wesley College, Colombo
	Nag, Girishchandra	...	18-6	Graham School, Tanguil.
	Nandi, Jagatchandra	...	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	..	16-4	Dacca Pogose School.
	Niyogi, Bhabaniprasad	...	15	Donogh High School Jamalpur
	" Hemkumar	..	15-5	Faridpur Zila School.
	" Sasikumar	...	14-1	Ditto.
	O'Donoghue, P. E.	...	16-6	St. George's College Mussoorie.
190	Pal, Chandranath	...	16-10	Dacca Pogose School
	Perera, S.	...	20-8	Prince of Wales' College, Moratuwa.
	Pereira, J. E. Friend...	...	18	St. Xavier's College.
	Platel, J.	..	15-11	Ditto
	Po Thaw	..	17-11	Rangoon College
	Poojhary, Mudden Mohun	...	19-5	Sambalpur High School.
	Power, J.	...	15-5	St. Joseph's Seminary, Darjeeling.
	Pramanik, Kantichandra	..	17	Canning College, Lucknow.
	Price, Mabel	...	...	Doveton Institution.
	Raha, Abhaycharan	..	18	Khulna Zila School.
200	Raphel, Ethel	...	...	Lalbagh Girls' High School
	Ray, Atulchandra	...	16-3	Hare School
	" Baninath	...	15-9	Krishnagar Collegiate School.

	Ray, Dewanchandra	...	15-9	Hughli Branch School.
	" Jogindranath	...	15-4	Bali Rivers Thompson School.
	" Matilal	...	15	Jamalpur H. C. E. School
	" Manimohan	...	15-1	Barisal Zila School.
	" Nabendrakisor	...	13-6	Noakhali Zila School.
	" Rajendrachandra	...	17	Dacca Pogose School.
	" Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychandhuri, Bipindrakumar	...	15-6	Baripur H. C. E. School.
	Revie, Annie	...	...	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L. M. S. Institution, Bhowanipar
	Sahay, Gopaljee	...	15	Arrah Zila School.
	" Harbans	...	15-1	Patna Collegiate School.
	Sajjad Husain	...	17	Pertupgar High School.
	Santra, Biharlal	...	16	Howrah Government School.
	Sarkur, Jogindranath	...	19-10	Searsale H. E. School.
	" Nukulchandra	...	14	Palma Zila School.
220	" Saradakanta	...	16	Rangpur Zila School.
	" Umeschandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martinière College, Calcutta.
	Sarma, Chandranath	...	18-5	Sylhet Government High School.
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	" Annadacharan	...	17-5	Chittagong Collegiate School
	" Basantakumar	...	16	Barisal Zila School.
	" Bilaschandra	...	16	Kalma H. E. School.
	" Bipinchandra	...	18-4	Dacca Pogose School.
	" Debendranath	...	15-11	Dinajpur Zila School.
230	" Gokulnath	...	16	Hughli Collegiate School
	" Mahatapchandra	...	16-5	Oriental Seminary.
	" Rakhaldas	...	15-9	Dinajpur Zila School.
	" Rajanikanta	...	15	Malda Zila School.
	" Rajanikanta	...	16-1	Chittagong Collegiate School
	" Syamacharan	...	15	Comillah Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shalubuddin	...	19	Tikari H. C. E. School.
	Shaikhe Mohamed Abdul Majid...	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra
240	Shukul, Gangadaya	...	18-3	Bareilly High School.
	Singh, Uniraw	...	18	Aligarh Government High School
	Sinha, Brahmnananda	...	17	Canning College, Lucknow.
	" Dwijadas	...	16	Bhagalpur Zila School.
	" Jyotindramohan	...	14	Faridpur Zila School.
	" Lalbihari	...	19-3	Benares Collegiate School.
	" Raghunath	...	15-5	M. A. O. College, Aligarh
	" Rughunath	...	20	Arrah Zila School
	" Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School
250	Sukhlal Suh	...	17	Agra Collegiate School
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School
	Tewari, Shuk Deo	...	5-8	Jabalpur Collegiate School
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martinière College, Calcutta.
	White, H. P. S.	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Husain	...	17	Moradabad Government High School
	Zorab, Z. M.	...	15-9	La Martinière College, Calcutta.

## SECOND DIVISION.

*In Alphabetical Order.*

Aasaf Khan	...	16	Rangpur Zila School.
Abajee Nanajee Moolcy	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdre Naikwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School.

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Qazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samad	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	" Mohanbihari	...	17-8	Hare School
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalrapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College.
	Andrews, O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jahnabi School.
30	" Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	" Bipinbihari	...	19-4	Canning College.
	" Chandras khar	...	18-1	Albert Collegiate School.
	" Gangadhar	...	17	St. John's College, Agra.
40	" Hariprasad	...	15-2	Dacca Collegiate School.
	" Jnanadacharan	...	17	Barisal Zila School.
	" Jogindronath	...	16-9	Ditto.
	" Kamakshyaprasad	...	14	Balagarh School.
	" Kedarnath	...	16-3	Agarpara H. C. E. School.
	" Krishnachandra	...	16-11	Khulna Zila School.
	" Kshetranath	...	18-4	Uttarpara School.
	" Kshirodnath	...	17	Midnapur Collegiate School.
	" Matilal	...	15	South Suburban School, Bhowanipur.
	" Nilmani	...	15-6	Baharu H. C. E. School.
50	" Ninchand	...	19-2	Brajmohan Institution, Barisal.
	" Nisikanta	...	15-5	Dacca Collegiate School.
	" Prannath	...	17-4	C. M. School, Amritsar.
	" Purnachandra	...	16-4	Dacca Collegiate School.
	" Sambhuchandra	...	17	Metropolitan Institution.
	" Saradakanta	...	16-3	Dacca Pogose School.
	" Sasibhushan	...	16	Hare School.
	" Satischandra	...	15-6	Halisahar English School.
	" Sibadas	...	15-8	Baharu H. C. E. School.
	" Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalechandra	...	13	Dacca National School
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15-9	Hughli Branch School.
	Barna, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	" Isachandra	...	18	Commillah Zila School.
	" Kailasnath	...	16	Nowgong High School.
	" Nabinchandra	...	16	Gauhati High School.
	Barve Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabalpur Collegiate School.
	" Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	" Anukulechandra	...	16	Commillah Zila School.
	" Anukulechandra	...	14	Hare School.
	" Banacharan	...	16-7	Taki Government School.
	" Bijaykrishna	...	17-4	City Collegiate School.
	" Debendrachandra	...	15-4	Hughli Branch School.
	" Gopalchandra	...	15-5	Canning College.

	Basu, Haridas	...	15-4	Metropolitan Institution, S. Branch.
	" Hemchandra	...	16	South Suburban School, Bhowanipur.
80	" Hridayachandra	...	17-8	Balasore Zila School.
	" Jagadishwar	...	17-6	Boinchi B. L. Institution.
	" Krishnachandra	...	18	Jabalpur Collegiate School.
	" Manmathanath	...	16-4	Hindu School.
	" Mohanlal	...	17	Jessore Zila School.
	" Nagendranath	...	17	Ripon College
	" Nagendranath	...	15-6	Basirhat Municipal School.
	" Nijmani	...	16	Howrah Government School.
	" Purnachandra	...	7	Rajagram V. S. School.
	" Pasbihari	...	18	Rajshahye Collegiate School.
90	" Satinath	...	16	Magura H. E. School.
	" Satishchandra	...	15-6	Barahanagar School.
	" Suprasanna	...	18-4	Canning College.
	" Surendrachandra	...	15-6	Hughli Branch School.
	" Upendralal	...	15	Ruplal Raghunath School
	Bechu Lal	...	17-4	Unao High School
	Bejbarnya, Lakshminath	...	18	Silsagar High School.
	Bhaduri, Kalidas	...	18	Victoria School, Ghazipur
	" Rajanikanta	...	18-2	Dighapatia H. C. E. School.
	" Rajanikanta	...	19-1	Rajshahye Collegiate School.
100	" Sibchandra	...	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Katara	...	18-6	Government High School, Allahabad.
	Bhagwan Prasad	...	12	Gorakhpur C. M. H. School.
	Bhairab Ramchandra Hardiker	...	20	Jabalpur Collegiate School.
	Bhor, Benimadhab	...	19-3	Metropolitan Institution
	Bhattacharyya, Abhaycharan	...	16-5	Albert Collegiate School
	" Asutosh	...	16	L. M. S. School, Khagra.
	" Atulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Benimadhab	...	18-8	Ripon College.
	" Bhabataram	...	18-2	L. M. S. Institution, Bhowanipur.
110	" Bisweswar	...	17-6	Bali Rivers Thompson School.
	" Charnchandra	...	16	Harinavi A. S. School.
	" Girishchandra	...	18	Sahzadpur H. E. School.
	" Gurucharan	...	16	Bramanburia Annada H. E. School
	" Kailashchandra	...	19	Donogh H. School
	" Kshetramohan	...	20-5	Kendrapur H. E. School.
	" Lalitnohan	...	18	L. M. S. Institution, Bhowanipur.
	" Nannichandra	...	16	Ranchi Zila School
	" Panchanan	...	18	Katwa H. E. School.
	" Rakhaldas	...	16-5	Bankipur T. K. Ghosh's Academy.
120	" Ramakanta	...	14-6	Rangpur Zila School.
	" Ramdas	...	15-10	Mozufferpur Zila School.
	" Ramdas	...	16	Barasat Government School.
	" Surendranath	...	16-3	Bahara H. C. E. School.
	" Umeschandra	...	15-2	Jagannath Collegiate School.
	Phanmik, Akshaychandra	...	20	Mymensing Institution
	Phuniya, Upendranath	...	17	Town School, Midnapur.
	Bhura Mal	...	18-6	Jaypur Maharaja's College.
	Bihari Lal	...	22	Ghazipur Mission High School
	Binderwar Prasada Varma	...	17-3	Allahabad Government High School.
130	Bion, F. F.	...	15-7	St. Paul's School, Darjeeling.
	Bishun Datta	...	16-7	Patna Collegiate School.
	Biswas, Anulyadhan	...	16-6	Metropolitan Institution.
	" Diuanath	...	15	Nawab's High School, Murshedabad.
	" Haripada	...	16	Bhagalpur Zila School.
	" Jamakinath	...	17	Magura H. E. School.
	" Kartikchandra	...	17	Bankura Zila School
	" Nabinchandra	...	19-9	Krishnagar Collegiate School.
	" Nagendranath	...	18	Allahabad Government High School.
	Romanji Nusarwanji Mullan	...	15-8	St. Francis de Sales' School, Nagpur.
140	Brahmachari, Turasankar	...	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	...	18-8	St. Xavier's College
	Budri Bakish	...	19-2	Ajmere Government College.
	Budriprasada	...	16-8	Agra Collegiate School.
	Budri Prasada	...	17-9	Sahjehanpur High School.
	Burham, Blanche	...	.....	Doveton Institution.
	Buzdul Huq	...	15	Barisal Zila School.
	Chuckerbutty, Shorot	...		Lallagh Girls' High School.
	Chakrabanti, Ambikacharan	...	17	Comilla Zila School.
	" Annadaprasad	...	16	Jagannath Collegiate School.
150	" Bangabihari	...	14-5	Dacca Pogose School.

	Chakrabati, Bankimohandra	...	15-2	Free Church Institution, Calcutta.
	" Biharilal ...	...	16	Nabadwip Hindu School.
	" Haridas	...	18	Harinavi A. S. School.
	" Jogeschandra	...	14-10	Rajshahye Collegiate School.
	" Kaliprasanna	...	15-10	Krishnagar Collegiate School.
	" Kedarnath	...	15-8	Chapra Zila School.
	" Purosnath	...	17	Dacca National School.
	" Praphullakumar	...	14-7	Krishnagar Collegiate School.
	" Pratapchandra	...	18	Cominillah Zila School.
160	" Purnachandra	...	17-2	Rajshahye Collegiate School.
	" Purnachandra	...	17	Baharu H. C. E. School.
	" Rajanikanta	...	16-1	Rangpur Zila School.
	" Suratchandra, No. I.	...	18-4	Metropolitan, Institution B. Branch.
	" Unacharan	...	16	Commillah Zila School.
	Chattopadhyay, Aghornath	...	13-8	Halisahar English School.
	" Annadaprasad	...	18-11	Benares Collegiate School.
	" Basantakumar	...	16-2	Faridpur Zila School.
	" Basantalal	...	17-5	Ripon College.
	" Bhupatinath	...	16-8	Hughli Branch School.
170	" Bipinchandra	...	16-7	Fyzabad Government High School.
	" Chintuharan	...	15-5	Dacca Collegiate School.
	" Girindranath	...	17-10	Benares Collegiate School.
	" Haricharan	...	17-5	Bankipur T. K. Ghosh's Academy.
	" Hiralal	...	15	Dhumbri High School.
	" Jyotindranohun	...	13-6	Ditto.
	" Manindralal	...	16-6	Birbhum School.
	" Mohitkumar	...	15	Jamalpur H. C. E. School.
	" Nibaranachandra	...	18	Mahes H. E. School.
	" Rasbihari	...	18	Dacca National School.
180	" Uperdrachandra	...	17	Bankura Zila School.
	Chaudhuri, Bhabunigobinda	...	15	Rajshahye Collegiate School.
	" Chandrakisor	...	15-4	Bhagalpur Zila School.
	" Purnachandra	...	20-2	Rajshahye Collegiate School.
	" Ramgopal	...	17-11	Patna Collegiate School.
	Chel Bihari Lal Mathur, No. II	...	15-11	Agra Collegiate School.
	Ohhannoo Lal	...	19-6	Benares B. P. School.
	C. Kanaka Raja Moodelliar	...	18-4	Free Church Institution, Nagpur.
	Connor, G.	...	15-6	Private Student.
	Cornabe, A. P.	...	15-6	La Martinière College.
190	Curtis, J. H.	...	16-2	Ditto.
	Daji Panday	...	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	...	16-2	Ravenshaw Collegiate School, Katak.
	" Charuchandra	...	11-8	Hughli Collegiate School.
	" Chittaranjan	...	15-3	L. M. S. Institution, Bhowanipur.
	" Gangagobinda	...	17-3	Faridpur Zila School.
	" Girischandra	...	16	Noakhali Zila School.
	" Haridas	...	15	Jagannath Collegiate School.
	" Hursarun	...	16-2	Aligarh Government High School.
	" Jogeschandra	...	14	Rangpur Zila School.
200	" Kailaschandra	...	16-2	Sylhet Government High School.
	" Kuminkumar	...	17-3	Clittagong Colleg. School.
	" Kasiswar	...	18-1	Jenkin's School, Cooch Behar.
	" Lakshminchandra	...	16	Chatra H. C. E. School.
	" Mudhusudan	...	14-3	Rangpur Zila School.
	" Mihirhal	...	17-7	Hughli Collegiate School.
	" Prankrishna	...	18	Malda Zila School.
	" Rajendranath	...	17	Metropolitan Institution, S. Branch.
	" Rajendranath	...	19-1	Uttarpara School.
	" Rangati	...	20-5	Sylhet Government High School.
210	" Sarbeswar	...	13-7	Barpeta H. E. School.
	" Satyendranath	...	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikachurn	...	20-2	Dacca Collegiate School.
	" Asutosh	...	14	Free Church Institution, Calcutta.
	Datta, Ambikacharan	...	16-4	Madaripur H. C. E. School.
	" Ambikacharan	...	16-11	L. M. S. Institution, Bhowanipur.
	" Banskubihari	...	18	Dacca Pogose School.
	" Basantakumar	...	18	Dacca National School.
	" Chandrabhusan	...	16	Bankura Zila School.
	" Gobindachandra	...	16	Sarmumay's H. C. E. School, Ulipur.
220	" Haridas	...	16-2	Hindu School.
	" Jagadishcharan	...	17-2	Dacca Collegiate School.
	" Jyoti'nal	...	16	Howrah Government School.
	" Kalidas	...	16	Mahes H. E. School.

	Datta, Lalitmohan	...	19-4	Dacca Pogose School.
	" Mahendranath	...	14-2	Sibpur Higher English School.
	" Upendranath	...	18-1	Khulna Zila School.
	Davis, W.	...	17-9	Private student.
	De, Bisweswar	...	21-2	Kalaskati H. E. School.
	" Gobindaprasad	...	16-9	Albert Collegiate School.
230	" Nepalchandra	...	17-5	Barahanagar School.
	" Pratulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Satishchandra	...	14-11	Hare School.
	" Upendranath	...	15-10	General Assembly's Institution.
	Deb, Lakshminath	...	19-2	Habiganj High School.
	Debi Prasad Lala	...	18-6	Jabalpur C. M. S. High School
	Deetjen, J.	...	17	St. Paul's High School, Rangoon.
	De Silva, W. H.	...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy	...		Cawnpur Girls' High School.
	Dhani Ram	...	16-8	St. John's College, Arga.
240	Dhar, Chandranath	...	16-7	Rajshahye Collegiate School.
	" Saradacharan	...	18-2	Mymensingh Zila School
	" Surendranath	...	16-2	Oriental Seminary
	Dhoondi Gunwant Thengdi	...	18	City School, Nagpur.
	Dikshit, Jagannath	...	18	Hume's High School, Etawah.
	Dover, Grace	...		La Martiniere for Girls.
	Dube, Lakshmi Prashad	...	20	Sultanpur Zila School.
	Dubey Mannoo Lal	...	19	Jabalpur Collegiate School.
	Dwarka Narayan Mathur	...	17-10	Allahabad Government High School.
	Enayat Karim, H. S.	...	19-2	Calcutta Madrasa.
250	Etha	...	20-1	Akyab Government High School.
	Faizuddin Ahmed	...	18	Debrugarh High School.
	Fakher Uddin	...	17-1	Patna Collegiate School.
	Forbes, Honorino	...		Convent School, Rangoon.
	Ganaishi Lal	...	18-3	Hume's High School, Etawah.
	Ganga Vishun	...	15	Chapra Zila School.
	Gangopadhyay, Asutosh	...	15-3	Howrah Government School.
	" Bipradas	...	17	Bhagalpur Zila School.
	" Debendranath	...	16	Burdwan Municipal School.
	" Haralal	...	17-8	Patna Collegiate School.
260	" Manmathanath	...	15	L. M. S. Institution, Bhowanipur.
	" Manmathanath	...	15-11	Dinajpur Zila School.
	" Nripendranath	...	16-6	Barasat Government School.
	" Panchanan	...	18	Konnagar H. C. E. School.
	Gasper, C. S.	...	17-6	Doveton College.
	Ghatak, Gangeschandra	...	18	Ranaghat H. A. V. School.
	Ghosh, A.	...	17-6	St. Xavier's College.
	" Abanikumar	...	17	Dacca National School.
	" Akshaykumar	...	17-10	Hindu School.
	" Amiyanath	...	16-8	Metropolitan Institution, S. Branch.
270	" Binodbihari	...	13	Narail H. E. School.
	" Gopalchandra	...	13	Fari's Zila School.
	" Gopalchandra	...	16	Jagannath Collegiate School.
	" Harendrakumar	...	14	Burisal Zila School.
	" Hiralal	...	16-10	Behar H. C. E. School.
	" Jagatichandra	...	17-2	Chittagong Collegiate School.
	" Kasinath	...	15-10	Metropolitan Institution.
	" Narayanchandra	...	14	Hare School.
	" Priyanath	...	16	Ditto.
	" Ramoschandra	...	18	Jagannath Collegiate School.
280	" Ramraman	...	18-1	Narail H. E. School.
	" Sarojkanti	...	15-6	City Collegiate School.
	" Sasibhusan	...	16	Metropolitan Institution.
	" Satishchandra	...	16-6	Hare School.
	" Surendranath	...	15-6	Ditto
	" Taraprasanna	...	17	Purnia Zila School.
	" Umeschandra	...	18	Khulna Zila School.
	Ghoshal, Gopalchandra	...	19-10	Harnavi A. S. School.
	" Sarala	...	.....	Bethune Female School.
	Gobind Balwant	...	17-9	Jabalpur Collegiate School.
290	Godwin, G. L.	...	21-3	Armenian Phil. Academy.
	Gokool Chand	...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil	...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	...	16-5	St. Thomas' College, Murree.
	Goswami, Nriyagopal	...	18	Dall's High School.
	" Subhrendu	...	16	Silsagar High School.
	" Guha, Asitakumar	...	16-3	University College.

	Guha, Rairaman	...	17	Narayanganj H. C. E. School.
	Gulab Jagosing	...	17	City School, Nagpur.
	Gulzari Lall	...	19	Kayastha Pathshala, Allahabad.
300	Gupta, Binaychandra	...	16-3	Dacca Collegiate School
	" Harananda	...	17	Jagannath Collegiate School.
	" Hariharan	...	17-2	Hindu School
	" Jnanendramohan	...	17	Santosh Jahnabi School.
	" Kalimohan	...	17-4	Jalpaiguri Zila School.
	" Kshetramohan	...	18-9	Hughli Collegiate School
	" Makhaulal	...	16	Hare School.
	" Nandalal	...	15-6	Ripon College.
	" Pramatheswar	...	14	Dacca National School
	" Sauribilas	...	17-4	Banwaribad H. C. E. School.
310	Gya Prasad	...	17-6	Fyzabad Government High School.
	Habibar Rahman	...	15	Midnapur Collegiate School.
	Hajra, Annadaprasad	...	16-11	Burdwan Raj Collegiate School.
	Haldar, Anathuath	...	16-2	L. M. S. Institution, Bhowanipur.
	" Haridas	...	18	South Suburban School Bhowanipur.
	Hannah, A. R.	...	16-9	Allahabad Boys' High School.
	Harak Narayan	...	16	Bankipur T. K. Ghosh's Academy.
	Harinanda Sahay	...	16-6	Patna Collegiate School.
	Hari Narayan	...	21	Jaypur Maharaja's College.
	Harris, G. H.	...	18-5	Private Student.
320	Hazari Lal	...	19-3	Barabanki High School.
	Hein, A. G.	...	15-8	Bishop Cotton School, Simla.
	Hemingway, Lizzie	...	.....	Diocesan Girls' School, Naini Tal.
	Htun Hla W.	...	16-7	Akyab Government High School.
	Hui, Nibaranchandra	...	16-3	Burdwan Raj Collegiate School.
	Ikbāl Kishaw Dar	...	16-6	Victoria Collegiate School, Agra.
	Imtiaz Ahmad	...	20	Canning College.
	Jackson, L. J.	...	16-1	Cawnpur Memorial School.
	Jacob, E.	...	18	Jabalpur Collegiate School.
	Jagadamba Prasad	...	17	Mirzapur Government High School.
330	Jagannath Pershad	...	17-6	Bareilly High School.
	Jamiluddin	...	17-3	Allahabad Government High School.
	Janaki Sahay	...	15	Gya Zila School.
	Janki Prasad	...	15-5	Bhagalpur T. N. City School.
	Jaymungal Prasad	...	16	Chapra Zila School.
	Jeotiprasada	...	16-6	Benares Collegiate School.
	Jeremiah, J. R.	...	18-5	Wesley College, Colombo.
	Jeremy, A. S.	...	15-11	Meerut C. M. High School.
	Jotirvid. Badri Datta	...	16-9	Bareilly High School.
	Kali Sahai	...	19	Bahraich High School.
340	Kamaluddin	...	17	Behar National Institution.
	Kama Prasad, No. 1	...	20	Hume's High School, Etawah.
	Kanahya Lall	...	15-8	Bareilly High School.
	Kar, Atulechandra	...	18	Dacca Pogose School.
	" Agatchundra	...	17-6	Mymensingh Zila School.
	Karani, Nimaicharan	...	19-3	ditto ditto.
	Karmakar, Kumudpath	...	15	Rangpur Zila School.
	Kesho Rao Sadashiva	...	17-1	Jabalpur Collegiate School.
	Khan, Saradanath	...	14-4	Bogra Zila School.
	Khoob Lall Dass	...	15-9	Bhagalpur T. N. City School.
350	Khoorsheid Ali	...	15	Ravenshaw Collegiate School, Katak.
	Kishori Lal	...	17-6	Govt. High School, Aligarh.
	Kraal, Ella	...	...	Doveton Institution.
	Krishna Ballabh	...	17-3	Bankipur T. K. Ghosh's Academy.
	Krishna Deva Narayan	...	16-4	Mozufferpur Zila School.
	Krishna Rao Pamaskr	...	15	Jabalpur Collegiate School.
	Kuladwipa Sahay	...	16	Gya Zila School.
	Kumar Bipranarayan	...	15-10	Jenkin's School, Cooch Behar.
	Kunjabihari Lal	...	18-6	Patna Collegiate School.
	Kunti Damodar Kesheo	...	17-6	Indore Madrasa.
360	Lachman Prasada	...	18-10	Rai Bareilly Government High School
	Lachminarain	...	17-6	Patna Collegiate School.
	Ladli Prasad	...	17-6	Allahabad Government High School.
	Lala Kamta Prasada	...	17-6	Sitapur High School.
	Lalitaprasad	...	17-8	Gorakhpur C. M. High School.
	Lalta Prasada	...	16-10	Fyzabad Government High School.
	Laville, B. L. A.	...	17-6	Lahore Boys' High School.
	Laxman Vyankatesh Parnaik	...	19-3	Dhar High School.
	Lyell, H. S.	...	16-7	St. Xavier's College.
	McGinn, E.	...	15	St. George's College, Mussorie.

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Mahabir Sarana	...	16	Chupra Zila School.
	Mahanti, Harakrisna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Haq	...	15 4	Patna Collegiate School.
	Maitra, Hemantakumar	...	15-8	Bhrampur Collegiate School.
	„ Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Tamuk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Barudaprasanna	...	17	Jessore Zila School.
	„ Harachandra	...	16 3	Rajshahya Collegiate School.
	„ Hariprasad	...	16-7	Commillah Zila School.
	„ Priyasankar	...	16-2	Hindu School.
	„ Rajendranath	...	16	Howrah Government School.
	„ Suradacharan	...	17-4	Rajshahye Collegiate School.
	„ Sibchandra	...	16	Rangpur Zila School.
	Malia, Pramathanath	...	16	Searsale H. E. School.
	Mallik, Arabinduprakas	...	15-10	Agra Collegiate School.
390	„ Goshthabihari	...	17-4	Turakewar School.
	„ Jnanendrachandra	...	16	Kalm Maharaja's School.
	„ Jnanendranath	...	18	Hare School.
	„ Krishnchul	...	15 8	Hughli Branch School.
	„ Saratchandra	...	16	Metropolitan Institution.
	„ Satischandra	...	15	Midnapur Collegiate School.
	„ Surendranath	...	15	Hare School.
	Mandal, Benimadhab	...	15	Maldia Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Maqboolul Haque	...	17	Neuskali Zila School.
400	Master, L. S.	...	19	Hazaribagh Zila School.
	Meherban Byramjee Nusserwanjee	...		Doverton Institution.
	Miller, A. H.	...	15-3	Rangoon College.
	Mirza Ahmad Jan	...	19-2	Victoria Collegiate School, Agra.
	„ Muhammad Nazir	...	17	Bhadrak H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	„ Asutosh	...	15	Dasghara School.
	„ Asutosh	...	14	Metropolitan Institution, S. Branch.
	„ Bamacharn	...	14-10	Hare School.
	„ Binaykrishna	...	16-3	Ariadaha H. E. School.
410	„ Binodchandra	...	14	Hindu School.
	„ Bipinbihari	...	16-1	Rajshahye Collegiate School.
	„ Gopeswar	...	14-3	Hitampur School.
	„ Hariprasad	...	19-10	Krishnagar Collegiate School.
	„ Jotindraprasad	...	16 4	Hare School.
	„ Kalicharan	...	15-6	Benares Collegiate School.
	„ Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	„ Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	„ Mahendranath	...	19	Pertabgarh High School.
	„ Nilgirindra	...	15	University College.
420	„ Raghunath	...	15-1	Agra Collegiate School.
	„ Sarbagunakar	...	18	University College.
	„ Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	„ Upendranohan	...	15	Commillah Zila School.
	„ Upendranath	...	18	Metropolitan Institution.
	Mitthu Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Azibah Mission High School.
	Moung Hla Bur	...	17-3	Rangoon College.
430	„ Kyi O.	...	15 4	Meigai Government School.
	„ Ku	...	15-4	Akyab Government High School.
	Muhammad Abdul Guffar	...	18-3	Jabalpur Collegiate School.
	Muhammad Amanul Haqq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Abbasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16 3	Benares Collegiate School.
	Muhammad Muqsd Ali Khan	...	20-3	Jabalpur Collegiate School.
	Muhammad Qururul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto
	Muhammad Rafi	...	18	Ghaziipur Mission High School.
440	Muhammad Sa'idutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.

	Muhammed Wajib	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	15-7	Patna Collegiate School.
	Mukh Ram	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	17-8	Bali Rivers Thompson School.
	" Annadaprasad	17	Hare School.
	" Atindriya	17	L. M. S. Institution Bhowanipur.
450	" Baikunthanath	18-4	Mahisadal H. E. School.
	" Bunkimnath	16	Birbhun School.
	" Bhubanchandra	17-7	Kalna Maharaja's School.
	" Bipradas	13-8	Ranaghat H. A. V. School.
	" Girindranath	15	Metropolitan Institution
	" Haricharan	15-5	Kalna Maharaja's School.
	" Hariprasanna	17-3	Dacca Collegiate School.
	" Kulidus	17-6	Ariadaha H. E. School.
	" Kaliprasanna	18-1	Monghyr Zila School.
	" Mahendranath	15-6	Malda Zila School.
460	" Meghnath	15-4	Burdwan Raj Collegiate School.
	" Mrigendralal	16-3	Birblam School.
	" Nagendranath	17-7	Boinchi B. L. Institution.
	" Nilmani	15	Kuchukol Radha Institution.
	" Paradukinkar	16-6	Birbhun School.
	" Priyanath	17-2	Cawnpur Zila School.
	" Purnachandra	17	Ghatal H. C. E. School.
	" Rakhalechandra	15-7	Bankura Zila School.
	" Ramchandra	17-2	Brajanohan Institution, Barisal
	" Sasikanta	18-2	Chittagong Collegiate School.
470	" Satishchandra	17	Santipur Municipal School.
	" Surathmath	15	Hughli Collegiate School
	" Surendranath	15	Howrah Government School.
	Murali Manohar Lal	21	Rewah High School
	Murli Dhar Ganesh	18-7	Jabalpur C. M. S. High School.
	" Dhar Nagar	18-4	Benares Collegiate School.
	Mustafi, Asutosh	16	Balagurih School.
	" Mahitosh	17-1	Howrah Government School
	Nabi Bakhsh	16-6	Ludhiana Mission School.
	Nag, Gangakanta	15-4	Dacca Collegiate School.
	" Hadeswar	16-9	Jangipur H. E. School.
480	Nandi, Atulkrishna	16-2	Metropolitan Institution, B. Branch
	" Brajagopal	15-2	A. P. Mission School, Ailhabad
	" Sayendranath	15	Ranaghat H. A. V. School.
	Narain Datta Khawas	19-1	Ramsay College, Almorah
	Narain Sing	19-6	Unao High School
	Nath, Kshetramohan	17	L. M. S. Institution, Bhowanipur
	Nathooram	17-10	Jabalpur C. M. S. High School
	Nawab Lal	11	Balia School.
	Naziruddin Ahmed	17	Benares Collegiate School.
	Nurullah	16	Calcutta Madrasa.
490	O'Byrne, F.	15-8	St. George's Colleges, Mussoorie
	Omur Khan	11-5	Calcutta Madrasa.
	Pakrasi Bhubaumohan	17-3	Banda Zila School.
	Pal, Jyotishchandra	17	Bhagalpur Zila School.
	" Satyapradip	17	Sridhar Gansidhar School Nawabganj.
	Palechundhuri, Hemendranath	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhianath	17	Canning College.
	" Mohan Kissen	20	Ditto.
	" Rajmrun	19	Ditto.
	Pandit, Pirthu Nanth Muttou	16-2	Sitapur High School
500	Patra, Haridas	15	Howrah Government School
	Pershad Lal	19	Aligarh Government High School.
	Platts, S. G.	15-6	Benares Collegiate School.
	Prumanik, Goshthabihari	16-7	Rajshahye Collegiate School.
	" Rakhalechandra	16	Santipur Municipal School
	" Ramnray	19	Ditto.
	Prem Bihari Lal	16	Bareilly High School.
	Pudampurshad	18-5	Ajmere Government College.
	Quasim Uddin Khan	15	Bhagalpur Zila School
	R. Hazari Lal	17-3	Jabalpur Collegiate School.
510	Raghumandana Pershad	16-2	Chapra Zila School.
	Raghnath Keshava Sarvate	17-1	Jabalpur Collegiate School.
	Raghnath Prasad Seth	18	L. M. Collegiate School, Benares.
	Rahn, Sasadhar	16	Bagirhat English School.
	Rahim Bakhsh	18-7	Gonda High School.
	Rai Durga Prasad	19	Jabalpur Collegiate School

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Barilly High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School, Agra.
	Ram Puri Goshuin	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinashchandra	...	15	Jamulpur H. C. E. School.
530	" Akshaykumar	...	15-2	Bogra Zila School.
	" Anukulchandra	...	15	Barisal Zila School.
	" Baidyanath	...	16-4	Dumka Zila School.
	" Banamali	...	16-2	Hughli Collegiate School.
	" Bhubeshchandra	...	15-9	Hare School.
	" Brajendra Nath	...	16	Monghyr Zila School.
	" Chandicharan	...	14	Kulia H. E. School.
	" Chandrakumar	...	17	Mymensingh Institution.
	" Girijaprasanna	...	15	South Suburban School, Bhowanipur.
	" Haralal	...	16	Pabna Zila School.
540	" Jadabchandra	...	16-7	Barisal Zila School.
	" Jasadakumar	...	18	Chittagong Municipal School.
	" Jyotindramohan	...	17	Taki Government School.
	" Jyotindramohan	...	15	Hare School.
	" Kailaschandra	...	18-8	Naldanga Bhushan School.
	" Kalikacharan	...	15-6	Manikganj H. C. E. School.
	" Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	" Kirnachandra	...	17-9	Narail H. C. E. School.
	" Kumudnath	...	14-6	Pabna Zila School.
	" Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	" Mahimachandra	...	18	Jagannath Collegiate School.
	" Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	" Mukundanath	...	16	Dinajpur Zila School.
	" Paramesprasauna	...	14-9	Dacca National School.
	" Purnendu	...	15	Mahes H. E. School.
	" Raghunath	...	16-3	Ravenshaw Collegiate School, Katak.
	" Rajendramohan	...	16	Rowile H. School.
	" Rakhalidas	...	17-2	Barasat Government School.
	" Rakhluraj	...	20	Gar Bownipur H. C. E. School.
	" Rasbihari	...	17-6	Ghatul H. C. E. School.
560	" Saradakanta	...	14-1	Bogra Zila School.
	" Sudhangankumar	...	15-6	Hare School.
	Raychaudhuri, Sibadas	...	16	Baripur H. C. E. School.
	" Umacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhawat Hossain	...	17-3	Patna City Zila School.
	Samanta, Radhacharan	...	18	Searsale H. E. School.
570	Sambhu Prasad	...	16	Bankipur T. K. Ghosh's Academy.
	Sankhua, Daityariprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	" Girischandra	...	19-6	Puthia H. E. School.
	" Krishnabandhu	...	17-5	Uttarpara School.
	Sarjn Parshad	...	18-7	Barilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	" Binodbihari	...	15	Free Church Institution, Chinsurah.
	" Jyotindramohan	...	16	Dacca National School.
	" Saratchandra	...	14-3	Dinajpur Zila School.
580	" Saratkumar	...	16-5	Hindu School.
	" Sasisekhar	...	16-5	Rajshahye Collegiate School.
	" Satyacharan	...	20	Mahisadal H. E. School.
	" Sureschandra	...	16-6	Krishnagar Collegiate School.
	" Sureschandra	...	15-5	Birbhum School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	" Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	" Abhaycharan	...	19	Ditto.

	Son, Chandrakumar	...	19-3	Sylhet Government High School.
590	" Haranachandra	...	17	Hindu School.
	" Harimanikya	...	17	Dacca National School.
	" Janardanhari	...	15	Noakhali Zila School.
	" Kalimohan	...	17	Dacca Pogose School.
	" Kaminikunnd	...	16	Chittagong Collegiate School.
	" Kodarnath	...	17-11	Brajmohan Institution, Barisal.
	" Kshirodhal	...	13-1	Hindu School.
	" Nisichandra	...	20	Chittagong Municipal School.
	" Prankrishna	...	16	Noakhali Zila School.
	" Ramchandra	...	16-6	Dinajpur Zila School.
600	" Saradakanta	...	16-7	Burdwan Municipal School.
	" Saratchandra, No. I	...	14	Barisal Zila School.
	" Saratchandra, No. II	...	14	Ditto.
	" Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	" Syamacharan	...	18	Dacca National School.
	" Tattveskumal	...	15-9	Jenkin's School, Cooch Behar.
	Seugupta, Chaudrakumar	...	18	Chittagong Municipal School.
	" Krishnakumar	...	13	Santosh Jahnabi School.
	" Nagendranath	...	17	Runaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School, Nagpur.
610	Shambhunarayan Varma	...	18	Allahabad Government High School.
	Shamsul Husn	...	20-9	Jabalpur Collegiate School.
	Shankar Lall, No. I	...	18-4	Meerut Government High School.
	Shankar Lall, No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaybhai	...	20-7	Patna Collegiate School.
	Shunibhoo Dayal	...	19-3	Barabanki High School.
	Shway Hpaw Oo	...	18-9	Akyab Government High School.
	Shwe Mya	...	20-10	Rangoon College.
620	Sil, Nandahal	...	15-1	Hume's High School, Etawah.
	" Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	" Sheo Nandan	...	17	Chupra Zila School.
	" Shew Shankar	...	20	Pertabganj High School.
	Sinha, Bishuprasad	...	21	Rajshahye Collegiate School.
	" Gadsdhar	...	16-2	Benares Collegiate School.
	" Karunasindhu	...	17-8	Lakshmanath H. O. E. School.
	" Lakshminiprasad	...	19-2	Kendrapara H. E. School.
	" Natubur	...	17	Bankura Zila School.
630	" Rajankanta	...	16-2	Kandi School.
	Siv Pratap Narayan	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohomun	...	16	Free Church Institution, Calcutta.
	Sobhakur, Kshetranath	...	17-5	Hindu School.
	Som, Saratchandra	...	16-8	Commillah Zila School.
	Subhan Karim	...	22-7	Patna Collegiate School.
	Sundar Narain Mushian	...	20	Private Student.
	Suraj Bakshi	...	18-2	Fyzabad Government High School.
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghapi	...	17-6	Jampur Government High School.
	Syed Abdul Jabbar	...	17	Haliganj High School.
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh.
	Syed Mahammad Zahurul Haq	...	14	Calcutta Madrasa.
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhindranath	...	15-6	Metropolitan Institution.
	Telluckdhari Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College.
	Tewari, Ramnandan	...	17	Balia School.
650	Tha Gywai	...	16-1	Rangoon College.
	Thakur Prasad	...	18	Sultanpur Zila School.
	" Premisankar	...	19	Jabalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikaram	...	18-3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School.
	Wade, I. P.	...	18-6	Lahore Boys' High School.

	Wallace, Mary	...	...	Convent School, Rangoon.
	Waman Vithal Kane	...	16	City School, Nagpur
	Wasi Ahmed	...	19-7	Patna Collegiate School.
	Winterscale, J. C.	...	16 9	La Martinière College.
	Wise, Janet	...	...	Doverton Institution.
	Xavier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

## THIRD DIVISION.

*In Alphabetical Order.*

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Abdul Goni	...	21	Free Church Institution, Calcutta.
	Abodhbhari Lali	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotishchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Aligarh.
	Afzalur Bohomani	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M. A. O. College, Aligarh.
	Ali Haidar	...	16-8	Bareilly High School.
	Amhien Parsad	...	16	Chapra Zila School.
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prosad	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badi Pershad	...	22	Sultanpur Zila School.
	Bagehi, Abinasechandra	...	16	Rajshahye Collegiate School.
	" Girijakanta	...	18-1	Jalpaiguri Zila School.
	" Unesechandra	...	21	Parjuna Mukundanath School.
20	Buksi, Kritichandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhanev	...	17	City School Nagpur.
	Balkrishna Govind Devaika	...	18	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	" Asutosh	...	18	Boinchi B. L. Institution
	" Bannacharan	...	14-4	Free Church Institution, Chinsurah.
	" Banwaribhushan	...	17-10	Banwarabad H. C. E. School.
	" Baradaprasad	...	15-3	Konnagar H. C. E. School
	" Bhubaneswar	...	14	Serajganj H. E. School.
30	" Jibankrishna	...	15	Bali, Rivers Thomson School
	" Jogesachandra	...	16	Baikal Zila School.
	" Jogindranath	...	17	Bhagalpur Zila School.
	" Kurtichandra	...	20	Ruplal Raghunath School.
	" Lalabari	...	16-4	Metropolitan Instn., S. Branch.
	" Mannathnath	...	17-8	Khulna Zila School.
	" Matilal	...	18-2	New Indian School.
	" Natabihari	...	18 4	Ditto
	" Pannalal	...	18	Midnapur Collegiate School.
	" Prabhatichandra	...	16	Sanskrit Collegiate School.
40	" Prandhan	...	16-2	Sibpur H. C. E. School.
	" Rajendrachandra	...	17-4	Jagannath Collegiate School.
	" Rajkumar	...	16	Nabdwip Hindi School
	" Saradaprasad	...	16	South Suburban School, Bhowanipur.
	" Saratchandra	...	19	Narayanganj H. C. E. School.
	" Saratchandra	...	17-6	Shahjehanpur High School.
	" Saratkumar	...	16-4	Hardoi High School
	" Sasibhushan	...	18	Nowgong Cantonment School.
	" Sripati	...	14-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	Bapu Waman	...	16	Jubbulpur Collegiate School.
	Bannasiprasad	...	18	Monghyr Zila School.
	Barua, Mathuranohan	...	17-5	Gauhati High School.
	Basu, Adharchandra	...	18-3	Bishenpur H. E. School.
	" Analamanda	...	15	Dacca National School
	" Chandramallik	...	18	Free Church Institution, Chinsurah.
	" Girishchandra	...	15-5	Serajganj H. E. School.
	" Ramannmohan	...	21-1	Jenkin's School, Cooch Behar.
	" Sasibhushan	...	15	Albert Collegiate School.
60	Beni Madho Lal	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhubanicharan	...	17	Chandernagar School.

	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	" Manmathanath	...	15-6	Uttarpara School.
	" Rasikchandra	..	18	Dacca Pogose School.
	" Saratchandra	..	14	Nara H. E. School.
	" Udaykanth	..	15	Ripon College.
	" Upendranath	...	18	Allahabad Government High School
79	Bhaumik, Gagacharan	..	18	Rangpur Zila School
	" Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lal	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	..	17-3	Dinapur Aided School.
	Bireshwarnath	..	19	Balarampur Lyall Collegiate School
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	" Uinalul	...	20	Ripon College.
	" Narendrakrishna	..	15	Lusghara School.
	Bouty, F.	...	14-5	St. Francis de Sales' School.
80	Brahmniker, Parachandra Krishna	...	19-5	Indore Madrasa.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	" Bipinbihari	...	17	Albert Collegiate School.
	" Brindachandra	...	18	Commillah Zila School.
	" Chandrakumar	...	16-2	Chittagong Collegiate School.
	" Dhananath	...	16	Chatmohar Sanibhunnath School.
	" Gokulcharan	...	15	Dacca National School.
	" Gopalchandra	...	15	Rajshahye Collegiate School.
	" Lalitmohan	..	19-6	Dacca National School.
	" Saratchandra	..	16	Sanskrit Collegiate School.
90	" Srischandra	...	15-6	Metropolitan Institution.
	" Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh
	Chattopadhyay, Adharanath	...	15-4	Barasat Government School.
	" Ambajkumar	...	15-3	Hare School.
	" Bholanath	...	16-2	Metropolitan Institution.
	" Binodkumar	..	17-3	Howrah Bible H. C. E. School.
	" Debendranath	...	17	Searsale H. E. School.
	" Harischandra	...	15-10	Mirzapur Government High School
	" Hemkamul	...	15-3	Dacca Pogose School.
100	" Karnamay	...	17	Burdwan Raj Collegiate School.
	" Narayanchandra	...	18-9	Ariadaha H. E. School.
	" Narayandas	...	15-8	Bali, Rivers Thompson School.
	" Pratapchandra	..	18	Lauhajang H. C. E. School.
	" Purnachandra	...	19-4	Kandi School.
	" Ramratap	..	16	Bankura Zila School.
	" Sitalechandra	...	17	A. P. Mission School, Allahabad.
	" Sinmayan	..	13	Free Church Institution, Chinsurah.
	" Upendranath	..	20	P. Gopinathpur School.
	Claudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
110	" Harachandra	...	20	Sylhet Government High School
	" Hridaynath	..	20-6	Graham School, Tangail.
	" Nagendranath	...	16	Metropolitan Institution.
	" Padmakumar	...	17	General Assembly's Institution.
	" Priyanath	...	18	Kutwa H. E. School.
	Chhajoo Singh	...	18	Meerut Government High School.
	Chhotay Lal	...	20	Private Student.
	Chuni Lal	..	19	Bareilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah.
	" Baidyanath	...	16-3	Town School, Midnapur.
120	" Dalimchandra	...	17-5	Tejpur High School.
	" Durgacharan	...	17-5	Kandi School.
	" Harkishen	...	19-6	Agra Collegiate School.
	" Hridaychandra	...	17-4	Habiganj High School.
	" Iwarachandra	...	15	Hare School.
	" Jagadmanda	...	20	Sylhet National School.
	" Jagamohan	...	21	Ditto.
	" Jaygopal	..	6	Barasat Government School.
	" Jaykrishna	..	18	Agra Collegiate School.
	" Kanailal	...	16-8	Nara H. E. School.
130	" Lalnohan	..	16-8	Balasore Zila School
	" Maheswar	..	19-2	Barpetta H. E. School.
	" Mudhusudan	...	18-7	Town School, Midnapur.
	" Nabinchandra	..	18-3	Dacca National School.
	" Nikunjabihari	...	16-4	Burial Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Sayamchand	...	18	Ravenshaw Collegiate School, Katuk.
	Dasgupta, Baradacharan	...	15 3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajmohan Institution, Barisal.
140	„ Nagendranath	...	14	Kalm H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinikumar	...	15	Metropolitan Institution.
	„ Banacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Guracharan	...	17	Rangpur Zila School.
	„ Jyotindranath	...	17	Ravenshaw Collegiate School, Katuk.
	„ Mahesachandra	...	16-8	Dacca Collegiate School.
	„ Nagendrachandra	...	15	Cachar High School.
	„ Nisikanta	...	15-11	Dacca National School.
150	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta
	„ Pulinbihari	...	16	Teacher.
	„ Saradaprasad	...	19	Ghatal H. C. E. School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Silpur H. C. E. School.
	De, Girishchandra	...	16-10	L. M. School, Midnapur.
	„ Gopalchandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institution, Chinsurah.
	„ Mahimchandra	...	18-4	Sylhet Government High School.
	„ Mukundlal	...	17-6	Serajganj H. E. School.
160	„ Nabinchandra	...	17-11	Kisarganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramachandra	...	20-4	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dubai, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	Dube, Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalam	...	15-5	Benares Collegiate School.
170	Ganesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhumi School.
	„ Mukhandal	...	13	Kuchikol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School
	Gargari, Satischandra	...	17	Chanderiagar School.
	Ghose, Minna	...	.....	Anritsar Alexandra School.
180	Ghosh, Abinashchandra	...	15-6	General Assembly's Institution
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School
	„ Debendranath	...	18	Ahlabad Government High School.
	„ Gopalchandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpore Zila School.
	„ Hindal	...	17	Calcutta Institution.
	„ Jnanendranath	...	16	Hugli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School
190	„ Kalprasanna	...	17	Ditto.
	„ Nandalal	...	16-4	Oriental Seminary
	„ Rajendranath	...	17	Mymensingh Institution
	„ Ramanimohan	...	16-10	Kanchi School.
	„ Saratchandra	...	16	South Sikkim School, Bhowanipour.
	„ Satischandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariandha H. E. School.
	„ Ramchandra	...	19	Kaakala H. C. E. School
	Girijadyal	...	20-11	Lachimpur Govt. High School
	Goppi, Dwarikanath	...	15	Nowgong High School.
200	Goswami, Bhupati	...	18-5	Khamakul K. Institution.
	„ Ramanimohan	...	17-6	Ditto.
	„ Upendragopal	...	17-8	Jangipar H. E. School.
	Govind Vishnu Chitale	...	17-6	Jabalpur Collegiate School.
	Guha, Mahananda	...	20	Dacca National School.
	„ Nutanachandra	...	21	Chittaugong Collegiate School.
	„ Satischandra	...	17	Mymensingh Zila School.
	Guin, Naraynochandra	...	16	Sodepur H. E. School.

	Gupta, Bimala	...	...	Eden Female School, Dacca.
	" Kaminikanta	...	16	Free Church Institution, Calcutta.
	" Rasamay	...	18-8	Brajamohan Institution, Barisal.
210	Hajra, Gurudas	...	16-9	Dacca National School
	" Raghunandan	...	16	Patrasaer H. E. School.
	Hamilton, G.	...	18-5	St. Xavier's College.
	Harakh Prasad	...	20 6	Teacher.
	Hargn Lal	...	18	Ambala Mission High School.
	Hari Walratund Munje	...	22-4	Private Student.
	Har Narayan Prasad	...	19	Allahabad Kayastha Pathshala.
	Har Prasad	...	15-9	Agra Collegiate School
	Harprasad Agnihotry	...	15-7	Jabalpur Collegiate School.
	Hazaree Suh	...	16	Mukerjee's Seminary, Mozufferpur.
220	Imtiyaz Ahmud	...	19	Pertupgarh High School.
	Jagadip Sahay	...	16	Gya Zila School.
	Jaganmuthi Saran	...	14	Chapra Academy.
	Jai Lal Sah Chakurayut	...	22-7	Teacher.
	Jiyalal Tewari	...	18-9	Jabalpur Collegiate School.
	Jeswant Rao	...	22 3	Farakabad Mission High School.
	Kailasnath Kanuru	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra	...	20-5	Sylhet Government High School.
	" Syamacharan	...	15-5	Howrah Govt. School.
	Khaja, M. Ismail	...	16 2	Patna Collegiate School.
230	Kosal Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai	...	19	Unao High School.
	Kumar, Baham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Rallia Ram	...	...	Anritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala Mritunjay Lal	...	16-3	Birbhum School.
	Lalita Prsada No. I	...	17-10	Benares Collegiate School.
	Lalita Prsada No. II	...	16-5	Ditto.
	Liladhar Purshud	...	20	Chapra Zila School.
240	Mahabir Prasad	...	17	Victoria School, Gazipur.
	Mahadeva Dutta	...	20-8	Arrah Town School.
	Mahuraj Krishna	...	17-1	Fyzabad Government High School.
	Maheo Uddin Ahmed	...	15	Behar National Institution
	Mahmood Ali, P.S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindaprasad	...	18	Contai H. E. School.
	Maitra, Satishchandra	...	19-6	Ripon College.
	" Umes-chandra	...	17-3	Bogra Zila School.
	Majumdar, Baantakumar	...	17-2	Dacca Collegiate School.
	" Charukrishna	...	17	Hindu School
250	Mahr J.	...	16-6	St. Fidelis's School.
	Mallik, Bhupendrachandra	...	15	Hughli Collegiate School.
	" Maniklal	...	15	Ditto.
	" Nirmalchandra	...	16-1	Nural H. E. School.
	" Phamul	...	16	Hughli Collegiate School.
	Mandal, Chintamani	...	20	Searsale H. E. School.
	" Madhusudan	...	17 3	Bishenpur H. E. School.
	" Sisirkanta	...	16	Barisal H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
	Mitra, Bijaykumar	...	15-1	Metropolitan Institution S. Branch.
260	" Gopalchandra	...	16	Hare School.
	" Kalidas	...	17-2	Benares Collegiate School.
	" Krishnapada	...	17	Metropolitan Institution,
	" Mitgendralal	...	18	City Collegiate School.
	" Nandlal	...	17-5	Konnagar H. E. School
	" Nripendanath	...	16-1	Metropolitan Institution B. Branch.
	" Srischandra	...	18-8	Barabanki High School
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalahuddin	...	18-4	Moradabad Government High School
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School
	" Brajendranath	...	16	Krishnagar Collegiate School.
	" Charuchandra	...	16	Ranchi Zila School.
	" Charuchandra	...	17	Hare School.
	" Haranachandra	...	18	L. M. S. Institution, Bhowanipour.
	" Haridas	...	18	Usoba Mondlye School
	" Jogindranath	...	15	Albert Collegiate School
	" Jogindranath No. I	...	15	Metropolitan Institution.
	" Jyotindralal	...	17	Chundanga H. E. School

280	Mukhopadhyay, Kaliprasanna	16-3	Saduhati H. E. School.
	" Krishnadhyan	15-4	Howrah Bible H. E. School.
	" Kshetrapada	14-10	Town School, Midnapur.
	" Nutabar	15	Kuchlakol Radhabulabh, Institution.
	" Nirendranath	17-4	Nibodia H. E. School.
	" Purnulal	17	Aryan Institution, Calcutta.
	" Prakaschandra	17-3	Madrasa-i-Anwaria.
	" Ramdas	17-2	Banawaribud H. E. School.
	" Saratkumar	17	Dehra Dun Training School.
	" Sasibhushan	18-8	Gobardanga H. E. School.
290	" Sasibhushan	17	Kandi School.
	" Sitalechandra	17	Allahabad Government High School.
	" Sripaticaran	19	L. M. School, Midnapur.
	" Tarapada	15	Simla High School.
	Murphy, J. H.	17-4	St. George's School, Mussoorie.
	Naha, Iswarechandra	18	Jagannath Collegiate School.
	Nak, Jaydeb	17-4	Piyarimohan Academy, Katak.
	" Radhannadhab	18 1	Ditto
	Nanabhoj Nourajee Burjorjee	16 3	Rangoon College.
	Nandi, Amulyacharan	19-3	University College.
300	" Nandawipchandra	17	Jagannath Collegiate School.
	Narayan Bhat	17	Gya Zila School.
	Pakrasi, Prasannakumar	16-2	Hare School.
	Pal, Hemchandra	17-5	Serajganj H. E. School.
	" Janakinath	17-3	Kumarkhali H. E. School.
	" Kisorimohan	19	Ripon College.
	" Mathmanath	17	Santosh Jhumbi School.
	Palit, Matangicharan	16 1	Burdwan Raj Collegiate School.
	" Narendranath	18	Albert Collegiate School.
	Panda, Narendranath	19	Ghatal H. E. School.
310	Pande, Ramkumar	17	Benares Collegiate School.
	Pandit, Bahari Lal Nahra	18-7	Ambala Mission High School.
	" Uttam Nath	19-6	Residency, College Indore.
	Pathak, Bijayram	20-3	Behar H. C. E. School.
	Pattnaik, Bonamali	16-8	Puri Zila School.
	" Satyabadi	18-5	Piyarimohan Academy, Katak.
	Pranatik, Pratapchandra	18-7	University College.
	Prayag Dutt	18	Unao High School.
	Prayag Das Katura	20-5	Allahabad Government High School.
	Purnachandra	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	17-4	Allahabad Government High School.
	Raghnath Rao K.	18	Jabalpur Collegiate School.
	Rajaram Apajee	20	Free Church Institution, Nagpur.
	Rajkhowa Indradhar	19	Debrughur High School.
	Rajnarain	17 3	Bareilly High School.
	Ramchand	18	Allahabad Government High School.
	Randhir Prashad	17-2	Ranchi Zila School.
	Rangholam Lal	17	Chupra Zila School.
	Ram Kishan	16-6	Ludhiana Mission School.
	Ramkrishna Bishnu Bhagwat	18-2	Jabalpur Collegiate School.
330	Rashid Husan	17	Moradabad Government High School.
	Ray, Abinasecantra	15	Hare School.
	" Annadaprasad	17	Hindu School.
	" Annabakrishna	15-3	South Saharhan School, Bhowanipur.
	" Chandraakisor	15	Commillah Zila School.
	" Gopalechandra	18	Gur Bhowanipur School.
	" Indrckhar	16 4	Birbhum School.
	" Ja adindranath	17-4	Rajshahye Collegiate School.
	" Juanchandra	19	Jagannath Collegiate School.
	" Jyotindranathan	16	Kutwa H. E. School.
340	" Kalkankar	17	Bankura Zila School.
	" Kaliprasanna	16-7	Rajshahye Collegiate School.
	" Krishnanath	16 6	Saif's Free College.
	" Pratapchandra	19	Bhagalpur Zila School.
	" Satyendranath	16-2	Pirozpur H. E. School.
	" Suryyakumar	17	Town School, Midnapur.
	" Tarasundar	17	Pubna Zila School.
	Roy Zoda Numbaylal Varma	16	M. A. O. College, Aligarh.
	Saba, Harendranath	17-10	Dighapatia H. E. School.
	Sahg Ram	17-3	Canning College.
350	Sanyal, Dargadas	17-3	Berhampur Collegiate School.
	Kalichan	17	Chatmohar Sambhunnath School.
	Kisorimohan	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	„ Baradasankar	...	17-5	Rajshahye Collegiate School.
	„ Jagadiswar	...	19	Burdwan Raj Collegiate School.
	„ Kaliprasanna	...	16-3	Rajshahye Collegiate School.
	„ Manmathanath	...	15	Krishnagar A. V. School.
	„ Narayanachandra	...	16-6	Jirat Chandrakona H. E. School.
	„ Saratchandra	...	18	Midnapur Collegiate School.
360	„ Satinath	...	18	Chuadanga H. E. School.
	„ Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	„ Hemchandra	...	14-6	Hindu School.
	„ Lalitmohan	...	14	Ditto.
	„ Manmathanath	...	14	Metropolitan Institution.
	„ Matilal	...	16	Sodpur School.
	„ Prakritiprasanna	...	17-5	Albert Collegiate School.
	„ Sureshchandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	„ Debendranath	...	16	Jessore Zila School.
	„ Indranarayan	...	16-6	Birbhum School.
	„ Mahendrachandra	...	19-3	Nabadwip Hindu School.
	„ Rasbihari	...	17	Bagihat H. E. School.
	Set, Praphullachandra	...	16	Metropolitan Institution.
	Shaik Baboo Zair	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarat Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabalpur Collegiate School.
	Shew Parshad	...	18	Bareilly High School.
380	Shiva Burt Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongai Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lal	...	16	Chaura Zila School.
	Sinha, Baijnath	...	17	Balia School.
	„ Brijkumar	...	17-8	Teacher.
	„ Indranarayan	...	16-8	Kandi School.
	„ Jogindranarayan	...	18-11	Uttarpara School.
390	„ Kedarnath	...	16-1	Mozufferpur Zila School.
	„ Tarinicharan	...	16	L. M. S. School, Khagra.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Aboul Sattar	...	19	Sylhet Government High School.
	Syed Mohmmad Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripathi, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnool Gopal Naik	...	16	Jabalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,  
The 17th May 1886.

W. GRIFFITHS,  
Registrar.



## Statement of the Affairs of the Bank of Bengal for the week ending 25th May 1886.

LIABILITIES.				ASSETS.			
	₹	a.	p.		₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	63,43,780	2	0
Reserve Fund	47,56,684	15	0	Other authorized Investments	48,13,776	4	0
Public Deposits at Head Office	1,30,74,917	4	9	Loans on Government and other authorized Securities	1,14,98,180	5	4
Public Deposits at Branches	1,13,86,658	15	5	Accounts of Credit on Government and other authorized Securities	79,92,635	14	5
Other Deposits at Head Office and Branches	3,01,22,862	13	2	Bills discounted and purchased	2,53,97,392	9	8
Bank Post Bills, &c.	3,06,447	14	2	Balances with other Banks	9,61,891	13	2
Sundries	10,14,589	12	10	Bullion	18,577	3	7
				Dead Stock	11,11,237	6	6
				Stamps	9,710	3	6
				Sundries	6,52,382	11	3
					5,88,29,564	9	5
				Cash and Currency Notes at Head Office	93,25,274	11	8
				Cash and Currency Notes at Branches	1,28,67,242	6	3
					2,21,92,517	1	11
RUPEES	8,10,22,981	11	4	RUPEES	8,10,22,981	11	4

BANK OF BENGAL,  
Calcutta, 27th May 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 39'02

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

## TELEGRAPH DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 19th May 1886.*

No. 4.—Mr. C. F. H. Maclean, Assistant Superintendent, 1st Grade, is allowed furlough for six months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 3rd May 1886.

*The 21st May 1886.*

No. 5.—Mr. P. V. Luke, C I E., Superintendent, 3rd Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 23rd April 1886.

*The 22nd May 1886.*

No. 6.—Mr. A. D. Hall, Assistant Superintendent, 1st Grade, is allowed furlough for twelve months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 14th April 1886.

A. J. LEPTOC CAPPEL,  
Director General of Telegraphs in India.

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATION.

*Indore Residency, the 21st May 1886.*

No. 2008.—The privilege leave granted in this Office Notification No. 1818, dated the 7th instant, to Captain E. S. Masters, Adjutant, Bhopal Battalion, has been extended to 17th June 1886.

By Order  
F. L. PETRE,  
1st Asst. Agent to the Govr. Genl.  
for Central India.

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

## NOTIFICATION.

*Abu, the 19th May 1886.*

No. 1180 G.—Lieutenant C. Hutton Dawson, Officiating Adjutant, Erinpura Irregular Force, is granted thirty-two days' privilege leave, with effect from the 22nd May 1886, or such subsequent date as he may avail himself of the same.

By Order,  
HUGH DALY,  
1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATIONS.

*Mount Abu, the 19th May 1886.*

No. 526-351.—Under the provisions of Section 7, Act X of 1870 (Land Acquisition), the Chief Commissioner of Ajmere-Merwara is pleased to direct that whenever any land subject to his jurisdiction shall have been declared under the Act to be needed for a public purpose or for a company, the Commissioner of Ajmere-Merwara may direct the Collector to take order for the acquisition of such land.

*The 22nd May 1886.*

No. 541-589.—The Chief Commissioner is pleased to authorize the exercise by all Excise Officers in Ajmere-Merwara, not inferior in rank to a Sub-Inspector, of the powers described in Section 14, Act I of 1878 (Opium Act).

By Order,  
HUGH DALY,  
1st Asst. to the Agent to the Govr. Genl.

## DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 20th May 1886.*

**No. 47.**—With reference to Public Works Department Notification No. 131, dated 14th May 1886, Mr. J. W. A. McNair, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is posted to the Bilaspur-Etawah Railway.

**No. 48.**—Mr. J. W. Wilson, Class IV of the Superior Revenue Establishment of State Railways, Stores Department, is granted furlough in India for twelve months, with effect from the forenoon of 10th May 1886.

P. S. STANTON, *Colonel, R.E.*  
*Director General of Railways.*

*Report of a Deserter or Absentee without leave from the 2nd Battalion, The Queen's Royal West Surrey Regiment of Infantry, dated at Fort William, Calcutta, this 21st day of May 1886.*

Number, Rank, and Name, No. W. S.—347, Private James Jeffery.	Place of residence for last 12 months before enlist- ment, Peckham, Lon- don, Surrey.
Age.—26 years 5 months. Size.—5 feet 5 inches. Colour of—	Marks.—Scar, centre of forehead, scar, right tem- ple, scar, left thigh, scar, left shin, two moles on back.
Complexion, dark; Hair, dark brown; Eyes, grey.	Trade.—Labourer
Date of Desertion,—18th May 1886.	Regimentals or plain clothes.—Regimentals, white clothing
Place of Absence,—Fort William, Calcutta.	REMARKS.—Was on pas- sage till 4 A.M., 18th May 1886.
Date of Enlistment,—14th November 1882.	Under 4 years' service.
At what Place Enlisted,— Guildford, Surrey.	
Parish and County in which Born,—Peckham, Lon- don; Surrey.	

W. J. HOLT, *Lieut.-Colonel*,  
*Comdg. 2nd Batta., The Queen's R. W. Surrey Regt.*

## Statement of Silver Balance in the Calcutta Mint for the week ending 26th May 1886.

Value of silver held in the Mint on account of the Currency Department on the evening of the 19th May 1886	₹	₹
Value of Government silver in the Mint on the same date	2,59,631	
	8,78,154	11,37,785
And— Silver received by the Mint during the week on account of the Currency Department Ditto ditto Government	2,49,957	
	250	2,50,207
DEBIT— New coin paid to Reserve Treasury during the week Petty items issued for miscellane- ous purposes	2,51,000	13,87,998
	...	2,51,000
Balance on the evening of the 26th May 1886	...	11,36,998
The Balance comprises— Silver held on account of the Currency Department Ditto ditto Government	2,54,798	
	8,82,200	11,36,998
There is in addition awaiting assay— Bullion belonging to Private Individuals Ditto ditto Government	39,927	
	55,85,350	56,25,277

A. W. BAIRD, *Major, R.E.*,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
the 27th May 1886.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the under-  
signed:—

## Allahabad Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
7	D 17—87351	50	Bhawan Das Manohar Das, Benares.
8	D 20—62750	100	Mrs. S. J. DaCosta, Allah-
	" —68'35	100	abad.

ALLAHABAD,  
The 26th May 1886.

H. J. BRERFTON,  
*Asst. Accountant Genl.,*  
*In charge of Paper Currency Office.*

## Lahore Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
8	D 20—94144*	100	Revd. F. Hildephonsus, Catholic Chaplain, Amballa.

\* Belonging to Agency No. 3, Umballa.

LAHORE,  
The 25th May 1886.

W. H. FERGERTON,  
*for Deputy Commissioner of Currency.*

## Madras Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
4	B 96—97834	100	N. Muhammad Sahib, Rowther
	" —97837	100	& Co., Kotagiri.

FORT ST. GEORGE,  
The 17th May 1886.

C. HALL,  
*Chief Superintendent,*  
*In charge of Paper Currency Dept.*

## FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1½ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus }  
for carriage to Patna. } R43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL.

Principal Assistant to Opium  
Agent, Benar, Patna

## POST OFFICE.

### NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *via* the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

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Allen & Co., W. H.	Mavin, J. S.	Thermistole, Schmitz, W.
Drake, R.	Morton, Mrs. A.	Tenny, J. H.
Fletcher, Mrs.	Powell, T. O.	Watkinson, Messrs. A. C.

### Letters marked "Care of Post Office."

Angeli, Sig. J.	Godfrey, J. B.	Pace, J. B.
Barnes, G. J.	Goodall, Miss.	Perry, A.
Barnett, Mr. J. James.	Gow, J. F.	Peterson, Dr. Geo.
Bates, J. N.	Grant, Mrs. M.	Phillips, W. G. St. A.
Biggs, Mon. F.	Harbith, Norris.	Powell, J. O.
Bose, P. N.	Henrich, H. J.	Preston, R. C. Campbell
Bowers, S.	Quidley, Mr.	Pyle, Mrs. C. L.
B. R.	Harrison, Mrs. G.	Randall, F.
Bush, C.	Hutton, F. C. G.	Remington, Capt. E. A.
Capel, Lt.-Col.	Imman, Capt. C.	Rishworth, B. I.
Caws, Capt. A. E.	Imman, James	R. M. T. Miss
C. H. H.	J. M. Mc.	Rose, G. W.
Clarke, F. G.	Jordan, J. J. D.	Saichen, Miss M.
Colien, Mr.	Jenkins, P. B.	Schmid, Otto.
Crawford, J.	Kelly, Miss G.	Sharpe, Capt. A.
Dessa, H. T.	K. T. M.	Shaw, H. J.
Dunsmack, Basil.	Kirkbride, J.	Simdwood, Geo.
D'Mello, Jose.	Knight, Capt. M. J.	Smart, Mrs. R. B.
Dodd, C. B. N.	Lay, J.	Smith, Harry St. C.
Dowling, D. G. A.	Lemaitre, A.	Sole, Rev. A. B.
D'Rozario, Miss J.	M. O.	Speer, A. I.
Drury, Surgeon F. J.	Macquon, J.	Stimulus, Walter.
Dufour, Madam.	Mannfield, J. J.	Stone, Mrs. T.
Dukes, Mrs.	McDonald, Miss.	Storey, A.
Dundas, Mrs.	McLaughlin, John.	Strow, Mrs. R.
Dunrobb, J. H.	Miller, Capt. John C.	Swingler, Mrs. C.
Easton, Percy H.	Murach, Mr.	Todd, H. P.
Entwistle, R.	Murphy, Giuseppe.	Touzel, Rev. C. J. C.
Fez, Lt. Col.	Morris, Paul.	Walker, P. C.
Fox, R. C. W.	Murphy, H.	Ward, Lieut. B. R.
Giver, A. H.	Norval, Mrs. L.	Wescendorff, Henry.
Gilbert, Mrs. M.	Olsen, J.	Wilson, Mrs. Mark.

### Registered Letters.

Anderson, James.	Gregan, H. C.	Ross, A.
DeGruyther, L.	Guchner, H. J.	

### Unclaimed Letters held in the Barrackpore Post Office on the 17th May 1886

Agar, H.	Fowell, Capt. W.	Pitch, J.
Arrakiel, M.	Hart, E. H.	Pearson, Rev. A. C.
Banerjee, Gopal Chunder	Hay, W.	Riddell, W.
Barnett, Lt.	Holmes, E. A.	Smith, W.
Chatter, Sub-Conductor	Laudie, L.	Thomas, Major C. F.
Crossman, J.	Nichols, J.	Todd, Mrs.
Doyle, A. C.	Owen, M. S.	Towher, C. H.

G. BARTON GROVES.

Offg. Presidency Postmaster, Calcutta.

The 29th May 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during June 1886.—

DATE OF CLOSING.	ROUTE.
5th June 1886*	By Star Line Private Vessel
8th June 1886	By P. & O. Steamer from Bombay.
9th June 1886*	By B. I. S. N. Co.'s Private Vessel.
9th June 1886	By P. & O. Steamer from Calcutta.
14th June 1886	By French Steamer.
16th June 1886*	By B. I. S. N. Co.'s Private Vessel.
22nd June 1886	By P. & O. Steamer from Bombay
23rd June 1886	By P. & O. Steamer from Calcutta.

\* These dates are subject to alteration in the event of departure of the vessel being delayed.

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The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

The 29th May 1886.

### SEA AND FOREIGN MAILS

Mails for	Date of closing at Calcutta.	Route by which despatched.
1886.		
Egypt, Europe, America, Cape Colony, through United Kingdom	29th May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	5th June	Ditto.
Ditto Book Post and Pattern Packages	14th "	Ditto.
Manitow, Male (Seychelles) Mayotte, Nos. Be. and Reunion	29th May	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colony by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packet	12th June	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankol (Sumat), Philipine Islands, China and Japan	5th "	Ditto.
Australia, New Zealand and Tasmania	8th "	Ditto.
Madras and Ceylon	9th "	Per P. & O. Str.
Straits and Hong-Kong	7th "	Per Str. <i>Nippon</i>
Rangoon and Moulemein	2nd "	Per Str. <i>Africa</i>
Akyal, Kyauk Phoo, and Rangoon	2nd "	Per Str. <i>Cocinas</i>
Port Blair and Camorta	3rd "	Per Str. <i>Malacca</i>
Straits and Hong-Kong	29th May	Per Str. <i>Japan</i> .

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PUBLISHED BY AUTHORITY

CALCUTTA, SATURDAY, MAY 29, 1886.

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Advertisements and Notices by Private Individuals and Corporations.

### HINDU FAMILY ANNUITY FUND.

*Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarter ended 30th June 1885.*

Receipts	Amount	Disbursements	Amount
	<i>R a p.</i>		<i>R a p.</i>
Subscription . . . . .	6,880 7 6	Annuity . . . . .	1,153 0 0
Entrance Fees . . . . .	37 0 0	Establishment . . . . .	314 14 3
Interest . . . . .	3,257 12 5	Miscellaneous . . . . .	232 1 1
Miscellaneous . . . . .	0 10 0	Valuation of Assets and Liabilities . . . . .	634 11 6
Deposits . . . . .	134 1 3	Government of India . . . . .	10,587 0 5
Government of India Amount withdrawn . . . . .	2,532 0 0	Deposits . . . . .	370 2 0
Advances Recoverable . . . . .	432 3 2	Interest on Security Deposit . . . . .	10 10 0
Opening Cash Balance . . . . .	378 13 0	Closing Cash Balance . . . . .	359 8 6
<b>TOTAL R</b>	<b>13,661 15 0</b>	<b>TOTAL R</b>	<b>13,661 15 0</b>

Published by order of the Directors agreeably to Rule 75

GOBIND CHUNDER SEAL,  
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RAMAPRASANNA GHOSH, M.A., B.L.,  
*Secretary*

THE HINDU FAMILY ANNUITY FUND OFFICE,  
CALCUTTA.  
*The 16th May 1886*

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, the proprietor, by whom it was never endorsed to

any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BAMA CHURN MITTER,  
*Plender, Small Cause Court.*

**Lost or Stolen.**

The lower half of Government Promissory Note No. 052357, of the 4½ per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

TARA PROSAD CHATTERJEE,  
*Treasury Officer, Burdwan.*

BURDWAN COLLECTORATE,  
*The 19th May 1886.*

**Stolen.**

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,  
*Abkary Contractor, residing at Porayar,  
near Tranquebar.*

QUILON,  
*The 25th October 1885.*